

**209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.M-M No.17820 of 2016 (O&M)
Date of Decision : 08.08.2016**

Rajesh Sarwan and others

..... Petitioners

Versus

The State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rajesh Bhatheja, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl. AG, Punjab.

Mr. P.S.Dhaliwal, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioners under Section 438 Cr.P.C. in case FIR No.184 dated 08.10.2014 registered under Sections 307/427/323/341/148/149 IPC at Police Station City South Moga, District Moga.

On 23.05.2016 the following order was passed:-

“Petitioners apprehend arrest in a case registered at the instance of Ajay Kumar alleging that he was assaulted by the petitioners and 9 other persons. The petitioners have been denied the concession of pre-arrest bail, inter alia, on the ground that they had been able to evade arrest for the last two years.

Counsel for the petitioners submits that the petitioners have not been attributed any specific injury. He relies upon interim order passed qua Sajid who has been granted concession of interim bail.

Notice to the Advocate General, Punjab, for 2.6.2016.

Meanwhile, arrest of the petitioners will remain in abeyance till next date of hearing. The Investigating Officer shall make available the evidence collected against the petitioners and the status of the investigation.”

Learned Additional Advocate General, on instructions from H.C. Jaswant Singh accepts the fact that the petitioners have joined the investigation and are no more required for custodial interrogation.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioners.

Resultantly, the petition is allowed. The interim order dated 23.05.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

08.08.2016

Pooja sharma-I

Whether speaking/reasoned Yes/No

Whether Reportable : Yes/No