

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

CRM-M -3446 of 2016 (O&M)
Date of decision: 28.07.2016

Gurdeep Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Jatinder Pal Singh, Advocate for the petitioners.

Mr. Mehardeep Singh, Addl.A.G, Punjab
assisted by HC Mukhtiar Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in case FIR No.237, dated 15.11.2015, registered under Sections 295-A, 341, 323, 506 read with Section 34 IPC, at Police Station Samrala, Police District Khanna, District Ludhiana.

On 01.02.2016, the following order was passed:-

“The instant petition has been filed under Section 438 Cr.P.C. read with Section 482 Cr.P.C. seeking concession of pre-arrest bail to the petitioners in case FIR No.237 dated 15.11.2015, under Sections 295-A/341/323/506/34 IPC, registered at Police Station Khanna, District Ludhiana.

Counsel for the petitioners has vehemently contended that it is case of false implication. In support of such assertion, counsel has submitted that wife of petitioner No.1 and mother of

petitioner No.2 is the Sarpanch of the village concerned and belongs to the non ruling party. In the month of July, 2015, Nagar Council, Samrala had declared to drain waste water of city Samrala through the village. Such decision was opposed by the entire village and as such the Gram Panchayat had approached this Court by filing CWP No.15487 of 2015 and in which an interim order in favour of the Gram Panchayat was passed on 30.07.2015. The complainant in the present case i.e. Darshan Singh, who is stated to be the brother of Ex Sarpanch and is also stated to be belonging to the ruling party. It has also been submitted that brother of the complainant, namely, Harnek Singh had earlier in point of time implicated the present petitioner No.2 in FIR No.229 dated 02.11.2015, registered at Police Station Samrala and in such case concession of anticipatory bail had been granted to petitioner No.2 by the learned Additional Sessions Judge, Ludhiana. Argument raised is that such sequence of facts/circumstances clearly point towards false implication.

Notice of motion, returnable for 21.04.2016.

In the meanwhile, petitioners are directed to join investigation.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

It is contended that in pursuance of the order dated 01.02.2016, the petitioners have joined the investigation.

The learned State counsel, on instructions, submits that the petitioners have joined the investigation and they are not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 01.02.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

28.07.2016

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No