

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

Criminal Misc.No.M-38432 of 2016 (O&M)
Date of Decision : 06th December, 2016

Piara Singh alias Babbu and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. A.S.Barnala, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl. A.G., Punjab
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

Petitioners have preferred the instant petition under Section 438 Cr.P.C., for grant of anticipatory bail in case FIR No.182 dated 10.10.2016, registered at Police Station City Moga, District Moga, under Sections 323, 379-B IPC.

On 04.11.2016, this Court passed the following order:-

“This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.182 dated 10.10.2016 registered under Sections 323, 379-B IPC, at Police Station City Moga, District Moga.

As per the allegations, when the complainant was coming home after closing his shop on motorcycle the petitioners alongwith one Tari waylaid him, caused him injuries and snatched his silver chain and a sum of Rs.18,000/-.

Learned counsel for the petitioners has argued that the petitioners have absolutely clean antecedents and actually the petitioner No.1 had to take a sum of Rs.4000/- from the

Criminal Misc.No.M-38432 of 2016 (O&M)

complainant and to avoid that the complainant had foisted this false case upon the petitioners. He prays for one opportunity to enable the petitioners to appear before the investigating officer to substantiate this version.

I find it to be a fair request. In the circumstances, let the petitioners appear before the investigating officer on 11.11.2016 and on any other date as and when their presence is required to substantiate the fact that the complainant owed money to the petitioner No.1. On their appearance, the investigating officer shall release them on interim bail subject to the conditions envisaged under Section 438(2) Cr.P.C.

Adjourned to 06.12.2016 to await the report of the investigating officer.”

Learned State counsel, on instructions from Head Constable Surjit Singh, has stated that the petitioners have joined the investigation and they are no more required for custodial interrogation.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioners in the present case.

Ordered accordingly.

Resultantly, the interim order dated 04.11.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

(AJAY TEWARI)
JUDGE

06th December, 2016

mamta

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No