

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-40934 of 2015 (O&M)
Date of Decision: 05.05.2016

Baba Masih & others

--Petitioners

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Vivek Salathia, Advocate for the petitioners.

Mr. D.S. Virk, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioners in case F.I.R. No.63 dated 13.11.2015 under sections 323, 324, 427, 452, 148, 149 I.P.C, registered at Police Station, Ghani Ke Banger, District Batala.

On 3.12.2015, while issuing notice of motion, the following order was passed by this Court:-

“Learned counsel for petitioners submits that the petitioners and complainant are neighbours and some altercation took place between them. The present FIR has been registered just to falsely implicate the petitioners. All injuries are simple in nature. The petitioners are ready to join investigation and to abide by all terms and conditions to be imposed by this Court or by the Investigating Officer.

Notice of motion for 08.02.2016.

Meanwhile, the petitioners are directed to join investigation and in the event of arrest, they shall be released on interim bail to the satisfaction of the Investigating Officer. They shall join the investigation as and when required by the Investigating Officer. They shall also comply with the conditions as envisaged under Section 438(2) of the Code of

Criminal Procedure, which are as under:-

(i)that the petitioners shall make themselves available for interrogation before investigating officer as and when required;

(ii)that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(iii)that the petitioners shall not leave India without the prior permission of the Court.”

Learned State counsel upon instructions from H.C. Manjit Singh would apprise the Court that the petitioners have since joined investigation. It has also gone uncontroverted that the injuries suffered by the complainant already have been opined to be simple in nature.

In the considered view of this Court, custodial interrogation of the petitioners, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 3.12.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

05.05.2016

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