

Sr. No. 207

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

**CRM No. M-42033 of 2015 (O&M)
Date of Decision: 10.05.2016**

Sucha Singh and another

...Petitioners

Versus

State of Punjab

... Respondent

CRM No.M-6939 of 2016 (O&M)

Kinda @ Kuljinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. Arun Gosain, Advocate,
for the petitioners.

Mr. D.S.Virk, AAG, Punjab.

Mr. Dinesh Mahajan, Advocate,
for the injured.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of CRM Nos.M-42033 of 2015
titled as Sucha Singh and another Vs. State of Punjab and CRM
No.M-6939 of 2016 titled as Kinda @ Kuljinder Singh Vs. State of

Punjab as both these connected petitions have been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners herein in case FIR No.134 dated 21.11.2015, under Sections 323, 298, 379, 506, 427, 148, 149 of Indian Penal Code, registered at Police Station City Gurdaspur, District Gurdaspur.

Counsel for the parties have been heard.

Briefly noticed, FIR came to be registered on the statement of Dashminder Kumar Noni. Allegations pertain to an occurrence that took place on 21.11.2015 whereby one Makhan Singh Kohar was thrown on the ground and his two mobile phones make Samsung and Lava were snatched. The allegations against the petitioners in these two connected petitions are similar in nature. The genesis of the dispute and occurrence from the reading of the FIR would appear to be with regard to laying down of a sewerage pipeline.

While issuing notice of motion in CRM No.M-42033 of 2015 on 11.12.2015, this Court had granted ad interim protection as regards arrest to the petitioners subject to their joining investigation. Likewise, notice of motion was issued in CRM No.M-6939 of 2016 on 26.02.2016 and interim relief in the same terms was granted.

Learned State counsel upon instructions from ASI Onkar Singh would contend that the petitioners in these two connected petitions have since joined investigation.

In the light of allegations levelled and coupled with the fact that the petitioners have already joined investigation, their custodial interrogation would not be warranted.

Both the petitions are allowed. Orders dated 11.12.2015 passed in CRM No.M-42030 of 2015 and 26.02.2016 in CRM No.M-6939 of 2016 are made absolute.

Disposed of.

10.05.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**