

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

CRM No.M-17802 of 2017 (O&M)

Date of decision: August 29, 2017

Subash Saini and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. G.S.Verma, Advocate,
for the petitioner No.2 and 3, Kavita Saini and Amit Saini.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

INDERJIT SINGH, J.

Petitioners-Subash Saini, Kavita Saini and Amit Saini have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.66 dated 28.02.2017, registered at Police Station Salem Tabri, District Ludhiana, under Sections 323, 325, 295-A, 506 and 34 IPC and Section 308 IPC added later on.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and contested the instant petition.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

From the record, I find that the present petition qua petitioner No.1, Subash Saini, has already been dismissed by this Court vide order dated 18.05.2017.

So far as the role of petitioners No.2 and 3, Kavita Saini and Amit Saini, is concerned, no specific role/over act has been attributed to them. Even they are not the main accused. They are not required for custodial interrogation nor anything is to be recovered from them, as they have already joined the investigation in pursuance of order dated 18.05.2017, passed by this Court. Therefore, no useful purpose will be served by sending the petitioners No.2 and 3 to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 18.05.2017, granting interim bail to petitioners No.2 and 3, Kavita Saini and Amit Saini, is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

August 29, 2017

rajesh k.khurana

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No