

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

CRM No. M-19016 of 2017.

Date of Decision: 11.09.2017.

Gurnam Singh and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Deepak Arora, Advocate,
for the petitioners.

Mr. AS Gill, Sr. DAG Punjab
assisted by SI Narinder Singh.

Mr. Vipin Mahajan, Advocate,
for the complainant.

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 438
Cr.P.C seeking anticipatory bail in case FIR No. 27 dated 14.05.2017
registered under Sections 341, 354, 323 and 148 read with Section 149
IPC at Police Station Bhaini Mian Khan, District Gurdaspur.

At the outset, learned counsel for the petitioners seeks
to withdraw the petition filed on behalf of petitioner No.2.

Dismissed as withdrawn qua petitioner No.2.

It is further contended that the whole episode was
captured by the CCTV footage, except petitioner No.2 none of the
petitioners is seen therein. It is further contended that the other accused
who are seen in the footage including Rajinder Kaur and Toti @
Balwinde Kaur have already been allowed bail by the trial Court.

On 25.05.2017 this Court had passed the following order:-

“Learned counsel inter alia contends that as per the allegations in the F.I.R, no role has been attributed to the present petitioners.

Notice of motion for 11.09.2017.

Mr. Vipin Mahajan, Advocate who is present in the Court accepts notice on behalf of the complainant. Learned counsel for the petitioner is directed to supply copy of the petition to the learned opposite counsel by today itself during the course of the day.

Learned counsel for the complainant submits that in the CCTV footage, Tara Singh-petitioner No. 2 was found beating the complainant.

In view of the above factual position, petitioner Nos. 1, 3, 4, 5 and 6 are directed to join the investigation as and when called by the Investigating Officer. In the event of their arrest, they shall be released on bail by the Investigating Officer on their furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C :-

- i. a condition that the persons shall make themselves available for interrogation by Police Officer as and when required;
- ii. a condition that the persons 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. a condition that the persons shall not leave India without the previous permission of the Court
- iv. such other condition as may be imposed under sub section (3) of Section 437, as if the bail were granted under that section.”

It is contended that in pursuance of the order dated

25.05.2017, the petitioner Nos. 1, 3 to 6 have joined the investigation.

Learned State counsel, on instructions, states that the petitioner Nos. 1, 3 to 6 have joined the investigation and they are not required for custodial interrogation.

In view of above, the order dated 25.05.2017 passed by this Court is made absolute qua petitioner Nos. 1, 3 to 6, subject to furnishing of bail-bonds/surety bonds by them to the satisfaction of the CJM/Duty Magistrate concerned.

The petition stands partly allowed.

11.09.2017.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No