

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

**Crl. Misc. No.M-21794 of 2017 (O&M)
Date of Decision: November 02, 2017**

Satish Kumar and another

.....PETITIONER(s).

VERSUS

State of Punjab

...RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. K.B.Raheja, Advocate
for the petitioner (s).

Mr. V.G.Jauhar, Sr. D.A.G., Punjab.

Mr. Amit Chaudhary, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No. 112 dated 17.05.2017 registered for the offences punishable under Sections 307 read with Section 34 of Indian Penal Code at Police Station City Ferozepur, District Ferozepur.

Heard.

Learned State counsel submits that petitioners have joined the investigation but are not co-operating with the Investigating Officer. They are not disclosing whereabouts of Kapil Kumar @ Monty, who is absconding and had been attributed gun shot.

Learned counsel for the complainant submits that earlier similar FIR No. 12 dated 16.01.2017 was registered against the petitioner and his brother at Police Station City Ferozepur. The complainant is a tenant in a

forcibly eject him.

Learned counsel for the petitioners has drawn my attention towards the letter of Senior Superintendent of Police, Ferozepur, dated 11.09.2017, whereby it has been observed that the allegations in the FIR No. 12, dated 16.01.2017, during investigation were found to be false and Investigating Officer was directed to find the real culprits. If the police, has not been able to track the real culprits, this cannot be a reason to decline the bail to the petitioners, particularly keeping in view that in the earlier FIR, allegations against the petitioners have been found to be false.

Keeping in view the above facts but without expressing any opinion on the merits of the case, this petition is allowed and the order dated 20.06.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police 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 accusation against them 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.
- (iv) that the petitioners will seek regular bail on the presentation of challan in Court, which the trial Court will decide on the basis of evidence collected during investigation.

November 02, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No