

CRM-M-22575-2017

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

CRM-M-22575-2017

Date of Decision: 19.09.2017

Irshad Mohd. and others

... Petitioners

Versus

Union Territory, Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Shiv Kumar Sharma, Advocate,
for the petitioners.

Mr. Amarjit Singh Virk, Addl. P.P. for U.T. Chandigarh.

INDERJIT SINGH, J.

Petitioners-Irshad Mohd., Charanjit Singh and Gurjit Singh 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.100 dated 21.03.2016, registered at Police Station Sector 31, Union Territory, Chandigarh, under Sections 147, 148, 323 and 427 of IPC and Section 394 of IPC, added later on.

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

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

In the present case, challan has already been presented and the petitioners have already joined the investigation in pursuance of the interim

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order dated 23.06.2017 passed by this Court. Earlier, the petitioners were arrested for the bailable offences and were released on bail by the police. However, at the time of presentation of challan, Section 394 of IPC has been added.

Now, the petitioners are not required for custodial interrogation and they have only to face the trial. Otherwise also, trial of the case will take a long time. Therefore, no useful purpose will be served by sending the petitioners 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 23.06.2017, granting interim bail to the petitioners, 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.

19.09.2017

parveen kumar

(INDERJIT SINGH)
JUDGE

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