

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-32453 of 2016

Date of Decision: 9.1.2017

Shamsher Singh and others

---Petitioners

versus

State of Punjab and another

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Chanchal K.Singla, Advocate
for the petitioners

Mr. Arshdeep S.Kler, DAG Punjab

Mr. Harmandeep Singh Saini, Advocate
for respondent No. 2

Rekha Mittal, J.

The present petition has been filed under Section 438 of the Code of Criminal Procedure (in short "Cr.P.C.") for grant of bail in anticipation of arrest in FIR No. 173 dated 27.7.2016 registered in police station Civil Lines, Patiala for offence punishable under Sections 323, 324,

354, 506 read with Section 34 of the Indian Penal Code (in short “IPC”).

Counsel for the petitioners has submitted that in pursuance of interim directions issued by this court vide order dated 15.9.2016, petitioners have already joined investigation and they would remain bound by the conditions prescribed while allowing interim bail.

Counsel for the State of Punjab, on instructions from ASI Jagwant Singh, has conceded to the statement made by counsel for the petitioners and further states that custodial interrogation of the petitioners is not required.

Counsel for the complainant has submitted that recovery of gold earrings is yet to be effected requiring custodial interrogation of the petitioners.

I have heard counsel for the parties and perused the paper book.

Indisputably, the petitioners have already joined investigation in compliance with interim bail granted by this Court. As per statement made by counsel for the State custodial interrogation of the petitioners is not required. Perusal of the FIR would indicate that there is no allegation against any of the accused with regard to stealing of gold earrings of the complainant. It has been mentioned that in the scuffle, gold earrings have

fallen on the ground.

In view of the above, the petition stands disposed of and interim bail granted vide order dated 15.9.2016 is made absolute subject to the following conditions:-

- (i) They shall join the investigation as and when required by the Investigating Officer
- (ii) they 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/her from disclosing such facts to the Court or to any police officer; and
- (iii) they shall not leave India without previous permission of the Court.

(Rekha Mittal)
Judge

9.1.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No