

CRM-M-38630-2016

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

CRM-M-38630-2016

Date of Decision: 24.01.2017

Kesar Khan and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Narinder S.Lucky, Advocate
for petitioner Nos.1 and 4.

Petition qua petitioner Nos.2 and 3 already dismissed as
withdrawn vide order dated 27.10.2016.

Mr. Deep Singh, AAG, Punjab.

INDERJIT SINGH, J.

Petitioners-Kesar Khan, Chota Khan, Major Khan and Sukha Khan @ Sukhwinder Khan 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.37, dated 13.07.2016, registered at Police Station Mullanpur, under Sections 452, 447, 323, 148 and 149 of Indian Penal Code.

Notice of motion was issued in this case only qua petitioner Nos.1 and 4 and petition qua petitioner Nos.2 and 3 was dismissed as withdrawn vide order dated 27.10.2016.

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Learned State counsel put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for petitioner Nos.1 and 4 as well as learned State counsel and have gone through the record.

From the record, I find that petitioner Nos.1 and 4 have already joined the investigation. They are not required for custodial interrogation. Nothing is to be recovered from them. Therefore, no useful purpose will be served by sending petitioner Nos.1 and 4 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 qua petitioner Nos.1 and 4 and the same is allowed accordingly. The order dated 27.10.2016, granting interim bail to petitioner Nos.1 and 4, is made absolute. However, petitioner Nos.1 and 4 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.

24.01.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

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