

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 204(2)

CRM-M-44537-2016

Decided on : 17.05.2017

Gurmej Singh and others

..... Petitioner(s)

VERSUS

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.D.S.Kahlon, Advocate, for the petitioner(s).

Mr. Neeraj Yadav, AAG, Punjab.

Mr.Randeep Singh, Advocate, for
Mr.Vipin Mahajan, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

Through this petition filed under Section 438 Cr.P.C., the petitioners seek the concession of anticipatory bail in FIR No.57, dated 15.11.2016, registered under Sections 323, 324, 452, 148 and 149 IPC (Section 326 IPC added later on), at Police Station Kalanaur, Tehsil and District Gurdaspur.

Seeking anticipatory bail for the petitioners, learned counsel submits that the petitioners have been falsely implicated in the present case on the ground that there is a dispute between the petitioners and the complainant with regard to a passage leading to the land of the complainant; no further recovery is to be effected from them; under the interim orders passed by this Court dated 16.12.2016, they have not only joined investigation but have also fully cooperated with the investigating agency and that the matter between the petitioners and the complainant has been compromised.

Learned State counsel, on instructions from ASI Balkar Singh, admits that the matter between the petitioners and the complainant, who belong

to the same village, has been compromised; that under the interim orders passed by this Court, they have not only joined investigation but have fully cooperated with the investigating agency and are not needed for further questioning.

Learned counsel for the complainant states that he has no objection if the petitioners are granted anticipatory bail.

Since the petitioners have joined investigation; have fully cooperated with the investigating agency; no further recovery is to be effected from them and that the matter between the petitioners and the complainant, who belong to the same village, has been compromised, in my opinion, custodial interrogation of the petitioners is not warranted.

In view of the above, the order dated 16.12.2016, granting interim bail to the petitioners subject to the conditions prescribed under Section 438(2) Cr.P.C., requires to be made absolute.

Ordered accordingly.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

During the period that the bail is granted to the petitioners, if they are found indulging in any criminal/illegal activity or misusing the concession of bail granted by this Court, it would be open to the State to move an appropriate application before the competent Court/this Court for cancellation of the bail granted to the petitioners.

17.05.2017
shamsher

[DEEPAK SIBAL]
JUDGE

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