

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

**CRM-M No.45868 of 2016
Date of Decision: 06.03.2017**

Sukhdev Singh@ Pappu and another

.... Petitioners

Versus

State of Punjab

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the petitioners.

Mr. Neeraj Yadav, AAG, Punjab
for the respondent-State.

DEEPAK SIBAL J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C., the petitioners seek anticipatory bail in FIR No.191 dated 18.12.2014 registered under Sections 326, 323, 324, 148 and 149 IPC, at Police Station Sarhali, District Tarn Taran.

Vide order dated 22.12.2016, while issuing notice of motion, this Court had ordered that in the event of arrest, the petitioners shall be released on ad-interim bail to the satisfaction of the arresting officer and subject to the conditions envisaged under Section 438(2) Cr. P. C.

Seeking anticipatory bail for the petitioners, learned counsel submits that the petitioners have been falsely implicated in this case; in terms of the order of this Court dated 22.12.2016, they have joined investigation and fully cooperated with the investigating agency; no further recovery is to be made from them; there is no other criminal case pending against the petitioners; petitioner No.2 has been attributed simple injury whereas petitioner No.1 though has been attributed a grievous injury, but on a non vital part and that there being a delay of 32 days in

lodging of the FIR, the issue with regard to the false implication of the petitioners would be deciphered during the trial.

Learned State counsel opposes the grant of anticipatory bail to the petitioners only on the ground that petitioner No.1 has been attributed a grievous injury.

In terms of the order of this Court dated 22.12.2016, the petitioners have joined investigation and have fully cooperated with the investigating agency; no further recoveries have to be effected from them; the petitioners, at this stage, are no longer required for further questioning; the impact of delay of 32 days in lodging of the FIR would only be deciphered during the course of trial and petitioner No.2 has been attributed a simple injury whereas petitioner No.1 though has been attributed a grievous injury but on a non vital part of the body.

In view of the above, without commenting on the merits of the case, the petition is allowed and the order dated 22.12.2016 granting ad-interim anticipatory bail to the petitioners is made absolute subject to the conditions prescribed under Section 438(2) Cr. P. C.

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

If during the pendency of the petition, the petitioner is found indulging in any other criminal activity/misusing the concession of bail, it will be open to the State to move an appropriate application before the Competent Court/this Court for cancellation of the granted bail to the petitioner through this order.

March 06, 2017

rittu

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No