

Sr. No.270

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

CRM-M-36122-2018(O&M)

Date of decision:16.10.2018

Surinder and others

.....Petitioners

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Bhriugu Dutt Sharma, Advocate
for the petitioners.

Mr. Rajat Bansal, AAG, Punjab.

Mr. Ankur Bansal, Advocate
for the complainant.

Rajbir Sehrawat, J(Oral)

CRM-35193-2018

Learned counsel for the petitioners seek permission to
withdraw the present application.

Dismissed as withdrawn.

CRM-M-36122-2018

This is a petition filed under Section 438 Cr. P.C. for grant of
anticipatory bail to the petitioners in case FIR No.118 dated 11.07.2018
under Sections 452,324,323,148,149 of IPC and Section 326 IPC(added
later on), registered at Police Station Sadar, District Jalandhar.

Learned counsel for the petitioners submits that the petitioner
No. 2 has since been arrested. Therefore, qua petitioner No.2, the present
petition has become infructuous and dismissed as such.

Petitioner No. 3 was granted interim protection with a direction

to join investigation vide Order dated 21.08.2018. On 25.09.2018, State counsel had informed the Court that petitioner No. 3 had joined the investigation but he had not co-operated and the weapons of offence i.e.Danda was yet to be recovered from him. As a result thereof, the case was adjourned for 16.10.2018 and the interim order was ordered to be continued and petitioner No.3 was directed to join the investigation.

Learned counsel for the petitioners contends that other petitioner i.e. petitioner No.3 has joined the investigation, however, the police is deliberately not completing the process of investigation with regard to petitioner No.3, just to ensure that he is taken into custody. It is contended by the counsel for the petitioners that petitioner No. 3 has joined the investigation and he will continue to join the investigation as and when so required by the police.

Learned counsel for the petitioners further contends that the present FIR has been lodged only as a counter blast to the FIR already filed by the petitioners side against the uncle of the complainant. Otherwise, neither the petitioner No.1 nor the petitioner No.3 are involved in the crime at all.

On the other hand, learned State Counsel submits that petitioner No.3 has joined the investigation but recoveries are yet to be effected.

Learned counsel for the complainant also submits that petitioner No.1 was armed with the axe and he is the main accused who has caused 05 injuries to the complainant.

Be that as it may, keeping in view the submissions made by learned counsel for the petitioners, it would not be unjust if the petitioners No.1 and 3 are granted concession of anticipatory bail with a condition that

they will join the investigation as and when so required by the police.

Accordingly, it is ordered that in case the petitioners No. 1 and 3 are arrested by the Investigating Officer, then they will be released on bail on furnishing fresh bonds/sureties to the satisfaction of the Arresting Officer. However, the petitioners No. 1 and 3 shall join the investigation as and when so required by the Investigating Officer. They shall also comply with other conditions as laid down under Section 438(2) Cr.P.C.

16th October, 2018

Shivani Kaushik

**[RAJBIR SEHRAWAT]
JUDGE**

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*