

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

**CRM-M No. 3076 of 2019
Date of Decision:-14.05.2019**

Sarabjit Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. P.K.S. Phoolka, Advocate
for the petitioners.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ J.(Oral)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.0212 dated 28.11.2018, under Sections 336, 148, 149 and 120-B IPC and Sections 25/27 of the Arms Act, 1959, registered at Police Station Nathana, District Bathinda. The petitioners apprehend their arrest at the hands of Police.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 23.1.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel for the petitioners contends that petitioners and others persons have already given a complaint dated 4.10.2018 against Kuljit Kaur which is pending enquiry. Kuljit Kaur subsequently got recorded the FIR No.0212 dated 28.11.2018, wherein the allegation is that the accused fired in the air.

Notice of motion for 19.3.2019.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners further contends that in deference to the said order and thereafter again in compliance of order dated 29.4.2019, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Ranjit Singh submits that the petitioners have joined the investigation twice but their custodial interrogation is necessary.

However, it is not disputed that the petitioners have been indicted on the basis of complaint given by Kuljit Kaur, against whom the petitioners have already given a complaint dated 04.10.2018, which is pending investigation. The petition is allowed and the interim bail granted by this Court vide order dated 23.1.2019 to the petitioners is made absolute.

However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

May 14, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No