

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

**CRM-M No.9465 of 2019 (O&M)
Date of Decision: 25.03.2019**

Beant Singh and others

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. A.P.Kaushal, Advocate for the petitioners.

Mr. C.L.Pawar, Senior Deputy Advocate General, Punjab
for the respondent/State.

Mr. Rajeev Kawatra, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.66 dated 09.11.2018, under Sections 447, 506, 511, 148, 149 of the Indian Penal Code, 1860 (Section 379, IPC added later on) and Sections 25/27 of the Arms Act, 1959, registered at Police Station Amir Khas, District Fazilka.

This Court, on 12.03.2019, passed the following order:-

“ It is contended by learned counsel for the petitioners that none of the petitioners was named in the FIR and the main accused namely Mahant Kashmir Singh, who was named in the FIR has already been granted the concession of ad interim bail by this Court vide order dated 11.01.2019 (P-4) and which is stated to be pending on 25.03.2019.

Adjourned to 25.03.2019.

To be heard alongwith CRM-M-64630 of 2018.

In the meanwhile, the petitioners are directed to join investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail till the next date of hearing on their furnishing adequate bail and surety bonds to his satisfaction. The petitioners are also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C. ”

It is contended by learned Counsel for the petitioners that in pursuance of the above order, petitioners have joined the investigation and their custodial interrogation is no longer required.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from ASI Bhadan Singh.

Although, learned Counsel for the complainant has vehemently opposed for grant of anticipatory bail to the petitioners, but in view of the fact that they have already joined the investigation and their custodial interrogation is not required by the police, then there is no justification to decline them the concession of pre-arrest bail.

In view of above, interim order dated 12.03.2019 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

It is made clear that the petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

The observations may not be considered as an expression of opinion on the merits of the case.

March 25, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>