

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

205

CRM-M-14929 of 2019

Date of decision: 27.05.2019

KIRPAL SINGH AND ORS.

...PETITIONERS

VS.

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vaibhav Narang, Advocate
for the petitioners.

Mr. Harsimar Singh Sitta, AAG, Punjab.

Mr. Veneet Sharma, Advocate for the complainant.

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.44 dated 14.03.2019 registered under Sections 336, 506, 148, 149 IPC 1860, Sector 25, 27 of Arms Act 1959, at Police Station Division B, District Police Commissionerate Amritsar. The petitioners apprehended their arrest at the hands of Police.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 01.04.2019 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 as per the allegations in the FIR, the petitioner and others have allegedly fired in the air and no injury has been caused to anyone much less to the complainant. It is pointed out that

prior to this occurrence as alleged in the FIR, petitioner No.2 was given beatings by Neeraj, who is son of the complainant and reliance is placed upon MLR dated 12.03.2019 (Annexure P-2). According to the learned counsel, a false case has been registered.

Notice of motion for 21.05.2019.

In the meanwhile, petitioners shall join the investigation and would come present as and when called for and in the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of the 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 contends that in deference to the said order, 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 Manjit Singh does not dispute this fact that the petitioners have joined the investigation. Learned counsel on instructions from ASI Manjit Singh further states that the petitioners are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 01.04.2019, 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 27, 2019

Poonam Sharma

**(MANOJ BAJAJ)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No