

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

**CRM-M No. 19509 of 2019
Date of Decision:-31.10.2019**

Gaurav Handa and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Mandeep S. Bedi, Sr. Advocate with
Mr. Sidhant Mehra, Advocate
for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Nishant Chauhan, 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.47 dated 02.3.2019, under Sections 325, 326, 341, 307, 148, 149, 120-B IPC, registered at Police Station Division No.6, District Ludhiana. The petitioner apprehended their arrest at the hands of Police in the above FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 01.5.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the

petitioners. The said order reads as under:-

“Petitioners Gaurav Handa and Deepak have filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.47 dated 02.3.2019, under Sections 325, 326, 341, 307, 148, 149 and 120-B IPC, registered at Police Station Division No.6, District Ludhiana.

Learned senior counsel contends that the FIR itself reveals that the complainant had gone to the office of ADCP-2 at Sherpur, where the petitioners were present in respect of some other dispute and the complainant had left the office to submit his written response by the next day. According to the complainant six unknown persons had attacked on him and he suffered injuries. The concluding portion of the FIR reveals different motive behind the occurrence. According to the learned senior counsel, the petitioners were neither named nor could be present at the spot.

Notice of motion for 02.7.2019.

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, 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 Lakhwinder Singh does not dispute this fact that the petitioners have joined the investigation. Learned counsel on instructions from ASI Lakhwinder 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 01.5.2019 is made absolute.

October 31, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No