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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50792-2018
Date of decision-06.03.2019

Jaswinder Singh and another

...Petitioners

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. V.G. Jauhar, Senior DAG, Punjab.

MANOJ BAJAJ, J.

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in FIR No.113 dated 10.10.2018 registered under Sections 323, 353, 186, 427, 506 and 148 read with Section 149 of Indian Penal Code registered at Police Station Gharinda, District Amritsar Rural.

Learned counsel for the petitioners contends that as per the allegations in the FIR, the occurrence took place when the bailiff had gone to execute the warrant of possession pursuant to the orders passed by the executing Court. The bailiff (complainant) was accompanied by decree-holder and others and they suffered injuries. Learned counsel for the petitioners contends that the alleged injuries are simple in nature whereas actually it was the bailiff and the decree-holder who straightway entered the

house and started throwing the household items outside the house in order to recover the possession.

On 19.11.2018, this Court had passed the following order:-

“Notice of motion for 6.3.2019.

In the meanwhile, the petitioners are directed to surrender before the police and join investigation within a week. In the event of their arrest being required, they shall be released on interim bail till the next date, subject to their furnishing bonds to the satisfaction of Arresting Officer. However, they shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which they shall lose the benefit of interim bail allowed to them.”

Learned counsel for the petitioners contends that in pursuance of the order dated 19.11.2018, the petitioners have joined the investigation.

Learned State counsel on instructions from ASI Yash Pal submits that the petitioners have joined the investigation and they are not required for custodial interrogation.

In view of the above, the interim bail granted by this Court vide order dated 19.11.2018 is made absolute.

The petition stands allowed.

(MANOJ BAJAJ)
JUDGE

06.03.2019

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No