

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

**CRM-M No. 26637 of 2019
Date of Decision:-30.09.2019**

Joga Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. L.M. Gulati, Advocate
for the petitioners.

Mr. Balbir Singh Sewak, Addl. A.G., Punjab.

Mr. Vaibhav Narang, 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.87 dated 25.5.2019, under Section 326 IPC read with Section 34 IPC, registered at Police Station Gharinda, District Amritsar. The petitioners apprehend 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 28.6.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Vide order dated 12.06.2019, the case was adjourned in order to enable the petitioners to seek instructions on the point of interim compensation to be paid to the injured.

Learned counsel for the petitioners contends that the part attributed to the petitioners is of catching hold of the injured Sukhdev Singh besides making lalkara by petitioner No.1. The main injury is attributed to Kulwant Singh.

Notice of motion for 23.07.2019, subject to depositing an amount of Rs.20,000/- with the trial Court. The Court would be at liberty to offer the said amount to the complainant without prejudice to his right of prosecution in accordance with law.

In the meanwhile, petitioners are directed to appear before the SHO/Investigating Officer to join investigation on 08.07.2019 and in the event of their arrest, they shall be enlarged on ad interim bail, subject to the satisfaction of Arresting Officer. However, petitioners shall abide by the conditions as envisaged 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 Major Singh does not dispute this fact that the petitioners have joined the investigation.

Learned counsel on instructions from ASI Major 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 28.06.2019 is made absolute.

September 30, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No