

CRM-M-30913-2019
Date of decision-19.09.2019

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Mr. Hittan Nehra, Addl.AG, Punjab assisted by
SI Vijay Kumar.

This petition has been filed by the petitioners under Section 438 Criminal Procedure for grant of anticipatory bail in case FIR No.79 of 2019 under Section 302 of Indian Penal Code, 1860 (Section added later on) registered at Police Station Khanna City-2, Ludhiana. The petitioners apprehend their arrest at the hands of

Learned counsel for the petitioners has invited the attention of the Court to the order dated 22.07.2019 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 the FIR is founded on the alleged extra judicial confession suffered by accused Gurmeet Singh allegedly made before complainant namely Des Raj. He submits that the petitioners were not named in the FIR and were indicted after 12 days. It is pointed out that other co-accused have already been extended the interim pre-arrest bail

concession vide order dated 10.07.2019 passed in CRM-M-26474-2019 and CRM-M-26476-2019.

Notice of motion for 19.09.2019.

To be heard along with CRM-M-26474-2019 and CRM-M-26476-2019.

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 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 SI Vijay Kumar does not dispute this fact that the petitioners have joined the investigation. Learned counsel on instructions from SI Vijay Kumar 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 22.07.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

19.09.2019

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No