

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-32507 of 2019 (O&M)

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Date of decision:28.11.2019

Bal Singh

.....Petitioner

v.

State of Haryana and another

.....Respondents

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(2) Criminal Misc. No.M-30412 of 2019 (O&M)

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Parveen Kumar

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

(3) Criminal Misc. No.M-34429 of 2019 (O&M)

.....

Ram Singh

.....Petitioner

v.

Kashmir Singh and another

.....Respondents

....

(4) Criminal Misc. No.M-35482 of 2019

.....

Karam Singh

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Present: Mr. Vikram Singh, Advocate, Mr. Tejinder Pal Singh, Advocate
and Mr. Manoj Kumar Taya, Advocate for the petitioners.

Mr. Surender Singh, AAG, Haryana.

Mr. G.S. Sandhu, Advocate for respondent No.2.

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Amol Rattan Singh, J.

In these petitions, the petitioners seek concession of anticipatory bail on Criminal Complaint No.COMI/295/2015 having been registered before the competent Court, alleging therein the commission of offences punishable under Sections 302 and 120-B of the IPC.

The petitioners were admitted to interim bail vide an order passed by this Court on 26.09.2019 at the time of notice motion was issued. On 23.10.2019 the learned State counsel had been directed to determine as to whether, after an untraced report was submitted by the police (upon the FIR originally registered), whether any further investigation or re-investigation has been ordered by any competent Court.

Today, learned State counsel, on instructions from ASI Gurdial Singh, submits that no investigation is going on, on the directions of any Court.

That being so, I would see no reason to refuse the concession of bail to the petitioners during the pendency of the complaint, though learned counsel for the complainant has vehemently argued that the untraced report had been wholly wrongly and illegally submitted by the Investigating Agency, because the petitioners were last seen with the deceased and thereafter the FIR was got registered by another person, to the effect that due to a road side accident one person was lying injured on the road (with that person later having died).

He further submits that even as per the inquiry report, it was found that the petitioners had been with the deceased and had consumed liquor with him, after which he died.

Having considered that argument, without making any comment whatsoever on the merits of it or on the defence taken by the petitioners before the trial Court, in view of the fact that the petitioners have not been arrayed as accused by the police and a criminal complaint has been instituted by the complainant in his 'personal capacity', naturally, no custodial interrogation of the petitioners is required at this stage, unless of course any competent court orders any further investigation or re-investigation etc., which is not the case till date.

Consequently, these petitions are allowed and the orders dated 26.09.2019, admitting the petitioners to bail, are made absolute during the pendency of trial.

However, it is again made clear that all observations made by this Court, even on previous dates, as regards contentions raised by the learned counsel for the petitioners (or today by learned counsel for the complainant), have only been noticed. All such contentions, and others made before the trial Court would, naturally, be decided wholly on the basis of evidence led before it.

November 28, 2019.
hsp

(Amol Rattan Singh)
Judge

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No