

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

**CRM-M No.34732-2019  
Date of Decision:-12.12.2019**

**AJAY KUMAR AND ANOTHER**

**.....Petitioners**

**V/S**

**STATE OF PUNJAB**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Jagraj Singh Khiva, Advocate  
for the petitioners.

Mr. Arun Kaundal, DAG, Punjab  
for respondent-State.

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**ARUN KUMAR TYAGI, J. (ORAL)**

Prayer in this petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of concession of Anticipatory Bail to the petitioners in case FIR No. 124 dated 11.07.2019 registered under Sections 324 and 323 read with Section 34 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Dharamkot, District Moga to which Section 326 of the IPC has been added lateron.

While issuing notice of motion, the petitioners were ordered to be released on interim bail in the event of arrest on furnishing of personal and surety bonds to the satisfaction of Arresting/Investigating officer with the conditions that the petitioners shall join the investigation as and when called upon to do so and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

Reply by way of affidavit of Sh. Yadwinder Singh, PPS, Deputy Superintendent of Police, Dharamkot, District Moga, on behalf of respondent-State has been filed today in the Court, which is taken on record.

Copy supplied to the learned counsel for the petitioner.

Learned Counsel for the petitioner has submitted that the petitioners have been falsely implicated. FIR regarding the occurrence which took place on 25.04.2019 was registered with inordinate delay on

11.07.2019. Civil suits are pending between the parties. The FIR was lodged by the complainant to put pressure on the petitioners. Cross case regarding the occurrence was also registered against the complainant. Therefore, the petitioners may be granted anticipatory bail.

Learned State Counsel has argued that in view of attribution of causing of grievous hurt with sharp edged weapon, the petitioners do not deserve the grant of anticipatory bail and the petition may be dismissed.

However, learned State Counsel has conceded that in compliance with order dated 27.08.2019 passed by this Court, the petitioners have joined the investigation and their custodial interrogation is not required in the case.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioners is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioners deserve the concession of anticipatory bail. Therefore, the petition is allowed and order dated 27.08.2019 granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C.

**12.12.2019**

Rajeev (rvs)

**(ARUN KUMAR TYAGI)  
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No