

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

**CRM-M No.64622 of 2018 (O&M)
Date of Decision: 11.02.2019**

Nirmal Singh and others

..... Petitioners

Versus

State of Punjab

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Ritesh Pandey, Advocate for the petitioners.

Mr. C.L.Pawar, Senior Deputy Advocate General, Punjab
for the respondent/State.

Mr. Gurbuneet Singh Randhawa, Advocate
for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.2 dated 06.01.2018, under Sections 4 & 6 of the Punjab Prevention of Damage to Public and Private Property Act, 2014; Section 3(1)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 427 of the Indian Penal Code, 1860, registered at Police Station Rangar Nangal, District Batala.

This Court, while issuing notice of motion on 26.12.2018, passed the following order:-

“ Learned counsel for the petitioners states that matter would be amicably settled in consultation with the Scheduled Caste Community to which the Dharamshala belongs and petitioners will not insist upon as a matter of their right for use of the same.

Notice of motion for 05.02.2019.

In the meanwhile, the petitioners are directed to join the investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail till the next date of hearing on their furnishing adequate bail and surety bonds to his satisfaction. The petitioners are also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C. ”

Today, learned Counsel for the petitioners submits that petitioners have joined the investigation in terms of aforesaid order and their custodial interrogation is no longer required.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from ASI Nirmal Singh.

In view of above, interim order dated 26.12.2018 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

It is made clear that the petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

It is also made clear that the statement, made by learned Counsel for the petitioners in the order dated 26.12.2018, shall be binding upon the petitioners.

The observations may not be considered as an expression of opinion on the merits of the case.

February 11, 2019

(MAHABIR SINGH SINDHU)
JUDGE

Gagan

Whether speaking/reasoned	Yes
Whether Reportable	No