

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

201-A

CRM-M-977-2020

Date of decision: 17.02.2020

Gagandeep Singh and others	Versus	Petitioners
State of Punjab		Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Bhupinder Ghai, Advocate
for the petitioners.

Mr. Sandeep Singh Deol, D.A.G., Punjab
for the respondent.

Mr. Balbir Singh Jaswal, Advocate
for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

The petitioners have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.54 dated 24.02.2019 registered under Sections 452, 326, 323, 324, 427, 382, 148 and 149 of the Indian Penal Code, 1860 at Police Station Jandiala Guru, District Amritsar.

While issuing notice of motion on 13.01.2020, this Court had granted the interim anticipatory bail to the petitioners with direction to join the investigation.

Learned State counsel has appeared on behalf of the respondent-State and Mr. Balbir Singh Jaswal, Advocate has appeared on behalf of the complainant and opposed the bail application.

I have heard learned counsel for the petitioners, learned State counsel and learned counsel for the complainant and have gone through the record.

Learned counsel for the petitioners has submitted that there was undue and unexplained delay of three days in lodging the FIR. The

petitioners have been falsely implicated in the case. Grievous injury with sharp edged weapon on little finger of right hand of the complainant is attributed to petitioner No.1. Grievous injury caused with sharp edged weapon on right hand of the complainant was attributed to co-accused Kulwinder Singh. The petitioners have joined the investigation. Nothing is to be recovered from them and their custodial interrogation is not required.

On the other hand, learned State counsel and counsel for the complainant have submitted that in view of gravity of offences, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State counsel, on instructions from investigating officer, has acknowledged that in compliance with order dated 13.01.2020 passed by this Court, the petitioners have joined the investigation and admitted that their custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioners, the fact that investigation and trial are likely to take long time and also 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 13.01.2020 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., failing which the protection of anticipatory bail order shall not be available to them.

17.02.2020

(ARUN KUMAR TYAGI)
JUDGE

Vinay

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