

CRM-M-2487-2019

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2487-2019

Date of Decision: 12th February, 2020

Kala Singh & others

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Umesh Sharma, Advocate for
Mr. Karamjit Singh, Advocate
for the petitioners.

Mr. Balbir Singh Sewak, Addl. A.G. Punjab.

Mr. Vinod K. Kaushal, Advocate
for the complainant.

VIVEK PURI, J. (ORAL)

On 21st of January, 2019, following order was passed:-

“Prayer in the instant petition under Section 438 Cr.P.C. has been made for grant of anticipatory bail in case FIR No. 143, dated 15.12.2018, registered under Sections 326, 323, 148, 149 of IPC, at Police Station Bhindi Saidan, District Amritsar.

According to prosecution, on 18.11.2018, petitioners No. 1 and 3, namely Kala Singh and Bagga Singh, armed with Dang, petitioners No. 2 and 4, namely Bagicha Singh and Naranjan Singh, empty handed, caused injuries to the complainant to put undue pressure upon her to purchase adjoining land owned by her.

Learned counsel for the petitioner inter alia contends that alleged grievous injuries are attributed to

co-accused with datar on the left hand of the complainant. As per prosecution story, petitioners No. 2 and 4 gave kick blows, whereas petitioners No. 1 and 3 are attributed simple injuries. No recovery has to be effected from any of the petitioners. Therefore, the petitioners are not required for any custodial interrogation.

Notice of motion for 25.04.2019.

In the meanwhile, the 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.”

It has been stated by learned counsel for the petitioners that in pursuance of the interim directions, petitioners have joined the investigation. The injury under Section 326 IPC has been attributed to Bau Singh - non-applicant, who has been arrested and released on regular bail. It has also been stated that there is a delay of 26 days in lodging the FIR.

Learned State counsel, on instructions from ASI Jasvir Singh, has not disputed the factual position.

As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioners.

Without expressing any opinion on the merits of the case, the order dated 21st of January, 2019, granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions

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stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

The petition is accordingly, allowed.

12th February, 2020
Nisha

(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No