

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203-A)

CRM No. M-12882 of 2020
Date of Decision : -05.08.2020

Nirmal Singh and another

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Amit Choudhary, Advocate for the petitioners.

Mr. Harsimar Singh Sitta, Assistant Advocate General, Punjab.

(through video conferencing)

Harsimran Singh Sethi, J. (Oral)

Petitioners are seeking anticipatory bail in FIR No. 13 dated 17.01.2019, under Sections 451, 325, 323, 148 and 149 IPC, registered at Police Station Dharamkot, District Moga.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by this Court on 22.05.2020. Order dated 22.05.2020 is as under:-

“The petition has been taken for hearing through video conference due to Covid-19 pandemic.

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail in respect of FIR No. 13 dated 17.01.2019, under Sections 451, 325, 323, 148 and 149 IPC, registered at Police Station Dharamkot, District Moga.

Learned counsel for the petitioners argues that an FIR was got registered by the petitioners being FIR No.13, dated 17.01.2019 against the complainant and the cross-version has been registered so as to escape their

liability. Learned counsel for the petitioners further argues that though the cross-version was registered in January, 2019, now after a period of more than one year, the arrest of the petitioner is being sought so as to recover the weapon. He further argues that co-accused, namely, Boota Singh, who was also named as accused in the cross-version, has already been granted the concession of anticipatory bail by this Court vide order dated 18.05.2020 passed in CRM-M No.12484 of 2020.

Notice of motion for 05.08.2020.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of State of Punjab. Learned State counsel, on instructions from ASI Jaspal Singh states that the FIR as well as the cross-version were recorded on the same date on 13.01.2019 itself, though, the date has been wrongly mentioned as 17.01.2019.

Learned State counsel states that the weapons are yet to be recovered and therefore, the petitioners be not granted the benefit of anticipatory bail. Learned counsel for the State very fairly concedes that co-accused, namely, Boota Singh has already been granted the benefit of anticipatory bail by this Court while passing an order on 18.05.2020 in CRM-M No.12484 of 2020.

Learned counsel for the petitioners states that the petitioners are ready to join the investigation and it is not a case where custodial interrogation of the petitioners is required after expiry of more than one year.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case noted above, as the custody of the petitioners is being sought for the recovery of the weapons, the same can be done in case the petitioners are directed to join and cooperate with the investigation.

Petitioners are directed to join the investigation forthwith. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to their satisfaction subject to the following:-

- (i) That they shall make themselves available for interrogation by the police officer as and when required.*
- (ii) They shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing the said facts to the Court or to any police officer.*
- (iii) That they shall not leave India without prior permission of the Court.*
- (iv) That they shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”*

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Baaj Singh, states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and no further interrogation is required.

In view of the above, the order dated 22.05.2020 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioners are required for the investigation but

are not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

August 05, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No