

CRM-M-12883 of 2020

Date of Decision : 07.08.2020

Vipin Sharma and others

...Petitioners

Versus

State of Punjab and another

...Respondents

(Through video conferencing)**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**Present: Mr. Mohd. Yousaf, Advocate
for the petitioners.

Mr. Luvinder Sofat, A.A.G, Punjab.

Harsimran Singh Sethi, J. (Oral)

Petitioners are seeking anticipatory bail in FIR No. 46 dated 19.03.2020, under Sections 323, 341, 354 and 34 IPC registered at Police Station Adampur, District Jalandhar.

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.46 dated 19.03.2020, under Sections 323, 341, 354 and 34 IPC, registered at Police Station Adampur, District Jalandhar.

Learned counsel for the petitioners argues that the main accused, namely, Shri Baldev

Raj has already been granted the concession of anticipatory bail by the learned Addl. Sessions Judge, Jalandhar, vide order dated 15.05.2020 whereas, the same concession has been declined to the petitioners without there being any cogent reason. He further argues that once the main accused has been granted the benefit of anticipatory bail, the petitioners are also entitled for the same as there are no distinguishing facts as far as petitioners and Baldev Raj are concerned. He further argues that the matter has also been compromised on 04.05.2020. In support of the said averment, learned counsel for the petitioners has placed reliance upon Annexure P-1.

Notice of motion for 07.08.2020.

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 counsel for the State very fairly submits that the main accused has been granted the benefit of anticipatory bail by the learned Addl. Sessions Judge, Jalandhar, vide order dated 15.05.2020. Further, the learned State counsel submits that nothing is to be recovered from the petitioners but they should be directed to join the investigation forthwith.

I have heard learned counsel for the parties.

Keeping in view the facts and circumstances of the case, especially when the main accused, namely Baldev Raj, has already been extended the concession of anticipatory bail, denial of the said benefit to the petitioners without there being a cogent reason is not correct. No distinguishable facts have been pointed out by the learned State counsel so as to deny the benefit of anticipatory bail to the petitioners which benefit has already been granted to the main accused, namely, Baldev Raj.

Further, *prima facie*, the matter has already been compromised.

Learned counsel for the petitioners has also undertaken that the petitioners will join the investigation 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 conditions:-

(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 Joginder 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 07, 2020
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(HARSIMRAN SINGH SETHI)
JUDGE

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