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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-26809-2020 in/and
CRM-M-13954-2020
Date of Decision : 17.12.2020

NAIB SINGH AND ANR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner

Mr. Amar Ashok Pathak, Addl. A.G. Punjab

MANOJ BAJAJ, J. (ORAL)

CRM-26809-2020

For the reasons mentioned in the application is allowed.

Let the necessary change be reflected at appropriate places.

CRM-M-13954-2020

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.08 dated 09.03.2020, under Sections 365, 336, 506, 342, 148, 149 IPC, 1860 and Sections 25/27 of Arms Act, 1959 (Sections 307/392 IPC and 3 of SC & ST Act added later on) (Section 323 & 395 IPC added vide CRM-26809-2020), registered at Police Station, Arif Ke, District Ferozepur. The petitioners apprehended their arrest at the hands of police in the above FIR.

Learned counsel for the petitioners has invited the attention of

the Court to the order dated 10.06.2020, whereby while issuing notice of motion to the respondent-State, arrest of the petitioners was stayed and later on vide order dated 16.07.2020 the interim protection was extended to the petitioners. The said order reads as under:-

“In continuation of the order dated 10.06.2020 passed by this Court, learned State counsel is not in a position to controvert that even as per version contained in the FIR, the offending remarks were uttered not in a public place but in the land of the accused/petitioners where the complainant had been taken post-abduction.

Prima facie the allegations in the FIR do not make out a case under the S.C. and S.T. Act.

List on 08.09.2020.

In the meanwhile, petitioners are directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C. .”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the police and joined the investigation. According to him, petitioners cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioners have joined the investigation. Learned counsel, on instructions

for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 16.07.2020 is made absolute.

17.12.2020
sangeeta

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No