

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14846-2020

Date of Decision: September 22, 2020

Jaspal Singh & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Prashant Vashisth, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 50 dated 12.05.2020, under Sections 452, 323, 427, 506, 148, 149, 188, 269 and 270 IPC, 1860, registered at Police Station, Lambran Jalandhar Rural. 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 11.06.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“The case has been taken up for hearing through video conferencing.

The petitioners have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.50 dated 12.05.2020 registered under Sections 452, 323, 427, 506, 148, 149, 188,

269, 270 of the Indian Penal Code, 1860 at Police Station Lambran Jalandhar (Rural).

Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the case. The entire episode is nothing but petty Mohala fight of the same locality. Even as per the allegations made in the FIR Petitioner No.1-Jaspal Singh was empty handed and no specific allegations have been made regarding causing of specific injuries by him. Petitioner No.2-Joginder Singh Mattu has not been named in the FIR and no role has been attributed to him. The petitioners are ready to join investigation and no recovery is to be made from them.

Notice of motion.

Mr. Amit Mehta, Sr. DAG, Punjab has accepted notice on behalf of the respondent-State. Copy of the paper book has already been supplied to learned State Counsel by the Registry.

Mr. Bhupinder Kumar Gupta, Advocate has appeared and accepted notice on behalf of the complainant. The power of attorney filed by him through e-mail is taken on record.

Learned Counsel for the complainant has submitted that the petitioners along with their co-accused trespassed into the house of the complainant and caused injuries to the complainant and his family members and do not deserve grant of anticipatory bail.

Learned State Counsel seeks time to file reply.

Adjourned to 07.08.2020.

In the meanwhile, the petitioners are directed to join the investigation as and when called upon to do so. In the event of their arrest, the petitioners shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioners shall not intimidate the complainant or any member of his family by visiting his house, making any telephonic call or in any other manner and shall also comply with other conditions

enumerated under Section 438(2) of the Cr.P.C. failing which they shall not be entitled to the protection of interim bail allowed to them”

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, the 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 from ASI Naranjan Singh, further states that the petitioners are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 11.06.2020 is made absolute.

September 22, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No