

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.14912-2020

Date of Decision: September 04, 2020

Gurmeet Singh & another

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. P.K.S.Phoolka, Advocate,
for the petitioners.

Mr.Sidakmeet Sandhu, AAG, Punjab

Mr. Ripudaman Singh Sidhu, Advocate,
for the complainant.

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.80 dated 26.05.2020, under Sections 447, 427, 511, 506, 341 and 379 IPC, 1860, registered at Police Station, Nehianwala, District Bathinda. 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 12.06.2020, 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.0080 dated 26.05.2020 registered under Sections 447, 427, 511, 506, 341 and 379 of the Indian Penal Code, 1860 at Police Station Nehianwala, District Bathinda.

Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case which is a mere pressure tactic and counter blast to the civil suit filed by the petitioner No. 1 against the complainant regarding the land in question. The petitioners are ready to join the investigation and their custodial interrogation is not required in the case.

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.

In view of the facts and circumstances of the case, presence of the complainant is considered to be necessary for just and proper decision of the petition and on oral request made by learned Counsel for the petitioners, complainant is ordered to be impleaded as respondent No.2. Memo of Parties be amended accordingly.

Learned State Counsel seeks time to file reply.

Adjourned to 09.07.2020.

Notice to newly added respondent No.2 be issued for that date.

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 be released on interim bail by the arresting officer/investigating officer on their furnishing of bail bonds to the satisfaction of the arresting officer/investigating officer. The petitioners shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which they shall forfeit the benefit 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 has joined the investigation. Learned counsel, on instructions from ASI Gamdoor Singh, further states that the petitioner is 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 12.06.2020 is made absolute.

Petition stands disposed off.

September 04, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No