

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-15135-2020 (O&M)

Date of Decision: 06.07.2020

Pardeep Singh & another

--Petitioners

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.S. Gill, Advocate for the petitioners.

Mr. S.P.S. Tinna, Addl. A.G., Punjab.

Ms. G.K. Mann, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C seeking concession of pre-arrest bail to the petitioners in case FIR No.0025 dated 29.4.2020 registered under sections 452, 427, 506, 148 and 149 I.P.C at Police Station, Ramdas, District Amritsar Rural.

The instant petition had come up for preliminary hearing on 15.6.2020 and the following order was passed by this Court:-

“This matter is being taken up for hearing through video conference/WhatsApp due to the pandemic COVID-19.

Mr. Gill contends that the petitioners are real brothers and cousins of co-accused Mangal Singh. He submits that the petitioners have been falsely implicated in this case by the complainant (Mangal Singh's wife), as there is matrimonial dispute between the complainant and Mangal Singh. He submits that co-accused Mangal Singh has already been granted the concession of interim bail vide order dated

09.06.2020 passed in CRM-M-14360 of 2020. He further submits that though the petitioners have no nexus with the allegations as leveled in the FIR, even then they are ready to join investigation as and when called upon to do so by the Investigating Agency.

Issue: Notice of motion.

Since advance copy of the petition stands already served, Mr. Sandeep Vermani, Addl. AG, Punjab, accepts notice on behalf of the respondent-State. He may file reply if he wishes.

List on 06.07.2020.

In the meanwhile, petitioners shall appear before the Investigating Officer/Arresting Officer as and when required and shall fully cooperate in the investigation of this case. In the event of their arrest, petitioners shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer. Petitioners shall comply with the conditions as stipulated in Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Tekwinder Singh apprises the Court that both the petitioners have since joined investigation on 26.6.2020.

At this stage, counsel representing the complainant vehemently contends that the interim protection has been procured from this Court on 15.6.2020 in terms of a misleading statement by contending that co-accused Mangal Singh has already been granted concession of interim bail. She submits that Mangal Singh in fact had been granted concession of interim bail in a different FIR i.e. FIR No.14 dated 12.3.2020 registered at Police Station, Fatehgarh Churiyan, Police District Batala, District Gurdaspur. She contends that such ground in itself calls for dismissal of the instant petition.

In the considered view of this Court, the objection being raised by the counsel for complainant is not well founded. The order dated

9.6.2020 passed by this Court in CRM-M-14360-2020 was already appended along with the petition as Annexure P-2 and which clearly recites that such concession was being granted pertaining to FIR No. 14 dated 12.3.2020 registered under sections 406, 498-A I.P.C at Police Station, Fatehgarh Churiyan, Police District Batala, District Gurdaspur.

Rather a reading of this order fortifies the contention noticed in the order dated 15.6.2020 that there is a matrimonial dispute between the complainant and Mangal Singh and that the petitioners being real brothers and cousins of co-accused Mangal Singh are unnecessarily being dragged into the controversy and have been falsely implicated in this case.

Be that as it may, the petitioners have already joined investigation. The prayer in the instant petition merits acceptance.

Another factor which may be noticed is that co-accused Mangal Singh in the present case was arrested on 30.6.2020 and thereafter has been granted benefit of bail.

In view of the above, instant petition is allowed.

Order dated 15.6.2020 passed by this Court, is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

06.07.2020

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No