IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(201) **CRM No. M-16995 of 2020**
Date of Decision : 28.07.2020

Mohinder Singh and another

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. K.G. Chaudhary, Advocate for the petitioners.

Mr. S.P.S. Tinna, Addl. Advocate General, Punjab.

Mr. Vivek K. Thakur, Advocate for the complainant.

****

Harsimran Singh Sethi, J. (Oral)

The petition has been taken for hearing through video conference due to Covid-19 pandemic.

The petitioners are seeking anticipatory bail in FIR No. 22 dated 27.02.2020, under Sections 323, 324, 341, 452, 148, 149 IPC (Sections 326, 354, 427 IPC added later on), registered at Police Station Begowal, District Kapurthala.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by this Court dated 01.07.2020. Order dated 01.07.2020 is as under:-

"The petition has been taken for hearing through video conference due to Covid-19 pandemic.

NARESH KUMAR
2020.07.28 18:04
I attest to the accuracy and
integrity of this document
Chandigarh

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioners in respect of FIR No. 22 dated 27.02.2020, under Sections 323, 324, 341, 452, 148, 149 IPC (Sections 326, 354, 427 IPC added later on), registered at Police Station Begowal, District Kapurthala.

This is the second anticipatory bail petition filed by the petitioners. The earlier one was withdrawn by the petitioners on 18.05.2020.

Learned counsel for the petitioners submits that the petitioners have only been attributed a danda blow, which injuries have been declared as simple injuries and, therefore, petitioners are entitled for the grant of the anticipatory bail as nothing is to be recovered from them.

Ms. Rashmi Attri, learned Deputy Advocate General, Punjab, who has also joined the proceedings through video conference, keeping in view the notice given, accepts notice on behalf of the respondent-State. She does not dispute that even as per the FIR, petitioners have been attributed a danda blow resulting in injury No. 4, which is simple in nature. The said fact is also not disputed by the learned counsel for the complainant.

I have heard learned counsel for the parties and have gone through the record very carefully.

Learned Additional Session Judge, Kapurthala has wrongly recorded that injury No. 4, which was attributed to the petitioner, Mohinder Singh, is grievous. The MLR, which has been produced before this Court, shows that injury No. 4 attributed to petitioner, Mahender Singh is simple in nature. Further, a simple injury has been attributed to petitioner No. 2 as well. Learned counsel for the petitioners states that petitioners are ready to join the investigation and cooperate with the police.

NARESH KUMAR
2020.07.28 18:04
I attest to the accuracy and
integrity of this document
Chandigarh

Keeping in view the facts and circumstances noted above, petitioners have made out a case for the grant of anticipatory bail.

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 his/her satisfaction subject to the following conditions :

(i) That they shall make himself available for interrogation by the police officer as and when required.

(ii) That 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.

Adjourned to 28.07.2020."

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Daljit Singh, Police Station Begowal 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 01.07.2020 granting interim bail to the petitioners is made absolute.

NARESH KUMAR
2020.07.28 18:04
I attest to the accuracy and
integrity of this document
Chandigarh

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.

July 28, 2020 **(HARSIMRAN SINGH SETHI)**
kanchan/naresh.k **JUDGE**

Whether reasoned/speaking? Yes
Whether reportable? No

NARESH KUMAR
2020.07.28 18:04
I attest to the accuracy and
integrity of this document
Chandigarh