

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

204

CRM-M-20086-2020
Date of decision:28.09.2020

HARDEV SINGH AND ANOTHERPetitioners

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. A.S. Rai, Advocate
for the petitioners.

Mr. Pawan Sharda, DAG, Punjab
for the respondent-State.

Mr. Sunny K. Singla, Advocate
for the complainant.

ARUN KUMAR TYAGI,J. (ORAL)

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

The petitioners have filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C') for grant of anticipatory bail in case FIR No. 78 dated 22.04.2020 registered under Sections 341, 324, 323, 506, 148, 149 and 188 of the Indian Penal Code, 1860 (for short 'the IPC') at Police Station Amargarh, District Sangrur to which Section 326 of the IPC was added later on.

Vide order dated 23.07.2020 the Coordinate Bench of this Court , while issuing notice of motion granted interim anticipatory bail to the petitioners with direction to join the investigation. Relevant part of order dated 23.07.2020 reads as under :-

“.....Through this petition under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to petitioners, namely; Hardev Singh and Darshan Singh, in case FIR No. 78 dated 22.04.2020 registered under Sections 341, 324, 323, 506, 148, 149 and 188 IPC (Section 326 IPC added later on) at Police Station Amargarh, District Sangrur.

According to prosecution, in the morning of 21.04.2020, the petitioners and their accomplice, namely; Daljit Singh, Gurwinder Singh, Sukhdeep Singh, Sukhchain Singh, Bharpur Singh and Gurjit Singh, stopped the tractor of complainant-Jaspreet Singh and asked him to call his father. On coming of his father-Harjinder Singh and elder brother-Sukhpreet Singh, some altercation took place in between the assailants and complainant party. Resultantly, the aforesaid persons caused injuries to complainant party with their sharp edged weapons.

Learned counsel *inter alia* contends that petitioners have falsely been implicated in the instant case. This is a case of version and cross-version between the parties. There is no allegation against the petitioners.

Notice of motion for 28.09.2020.

In the meanwhile, petitioners are directed to join investigation as and when called by the Investigating Officer. In the event of arrest, they shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. They shall remain bound by the conditions envisaged under Section 438 (2) ”

The petition has been opposed by learned State Counsel and learned Counsel for the complainant. However, no written reply has been filed on their behalf.

I have heard learned Counsel for the petitioners, learned State Counsel and learned Counsel for the complainant and have gone through the relevant record.

Learned counsel for the petitioners has reiterated factual submissions made earlier and submitted that the petitioners have joined the investigation and their custodial interrogation is not required.

Learned State counsel and learned Counsel for the complainant have vehemently opposed the petition and submitted that

in view of the gravity of accusation, the petitioners do not deserve grant of anticipatory bail and the petition may be dismissed.

However, learned State Counsel has acknowledged that in compliance with order dated 23.07.2020 passed by the Coordinate Bench of this Court, the petitioners have joined the investigation and also submitted that their custodial interrogation is not required for any purpose.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioners and also the fact that custodial interrogation of the petitioners is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioners deserve grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 23.07.2020 granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to them.

28.09.2020**kavneet singh****(ARUN KUMAR TYAGI)****JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No