

204-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22292-2020

Date of Decision : 17.12.2020

IQBAL SINGH @ MALLA AND ANR.

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.B. Raheja, Advocate
for the petitioner

Mr. Amar Ashok Pathak, Addl. A.G. 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.08 dated 09.03.2020, under Sections 365, 336, 506, 342, 323, 148, 149 and 395 IPC, 1860 and Sections 25/27 Arms Act, 1959 (Section 307/392 IPC 1860 and Section 3 of SC & ST Act, 1985 added later on), registered at Police Station, Arif Ke, District Ferozepur. 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 11.08.2020, whereby while issuing notice of

motion to the respondent-State, the interim protection was extended to the

petitioners. The said order reads as under:-

“Petitioners seek concession of pre-arrest bail in FIR No.8 dated 9.3.2020 registered under Sections 365, 336, 506, 342, 323, 148, 149 I.P.C, and Sections 25, 27 of Arms Act (Section 3 of SC & ST Act and Sections 307, 392 I.P.C were added later on) at Police Station, Arif Ke, District Ferozepur.

An advance copy of the petition already stood served upon the State of Punjab.

Counsel for the parties are ad idem that co-accused Naib Singh and Rinku and against whom there were similar allegations, have been granted interim protection vide order dated 16.7.2020 passed by this Court in CRM-M-13954-2020.

Notice of motion, returnable for 8.9.2020.

To be listed along with CRM-M-13954-2020.

In the meanwhile, petitioners are directed to join investigation.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C. ”

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 Sukhdev 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 11.08.2020 is made absolute.

17.12.2020
sangeeta

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No