

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M- 22461 of 2020

Date of Decision : August 13, 2020

Jagraj Singh and another

..... PETITIONER(S)

VERSUS

State of Punjab

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. G.S. Nahel, Advocate, for the petitioners.
Mr. Mehardeep Singh Dullat, Additional Advocate General,
Punjab.

...

Sanjay Kumar, J.

The petitioners are arrayed amongst the accused in FIR No. 228 dated 24.06.2020 on the file of Police Station Sadar, Dhuri, District Sangrur, registered under Sections 353, 186 and 332 IPC. By way of this petition, they seek anticipatory bail under Section 438 Cr.P.C.

The second petitioner was earlier shown as an accused in FIR No. 164 dated 22.10.2019 on the file of Police Station City-I, District Sangrur, registered under Sections 323 and 452 IPC. He was granted anticipatory bail in relation to the said case on 21.11.2019. While so, an offence under Section 326 IPC was added in this FIR on 05.01.2020. It is the case of the State that a police party went to arrest the second petitioner

on 24.06.2020, consequent upon addition of this legal provision, and that they were attacked by the petitioners and also their mother, the third accused in this case. There is no explanation forthcoming as to why there was such a long delay between the date of addition of the new provision and the attempt to effect an arrest in connection therewith. That apart, the unilateral addition of the new provision after grant of anticipatory bail to the second petitioner in the said FIR falls foul of the law laid down by the Supreme Court.

Given the aforestated circumstances, this Court is of the opinion that it would suffice if the petitioners join investigation at this stage. Their custodial interrogation may not be desirable, given the conduct of the police in this case.

The petition is accordingly allowed. The petitioners shall forthwith join investigation in FIR No. 228 dated 24.06.2020 on the file of Police Station Sadar, Dhuri, District Sangrur. In the event of their arrest in relation to the said case, they shall be released on bail upon their furnishing personal bonds for a sum of ₹20,000/- each along with two sureties for a like sum each to the satisfaction of the Arresting/ Investigating Officer. They shall also abide by the conditions stipulated in Section 438(2) Cr.P.C.

August 13, 2020
Kang

(Sanjay Kumar)
Judge

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