

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

208

CRM-M-24971-2020

Date of decision: 08.10.2020

Mankaran Malhi and anotherPetitioners
Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Satpreet Grewal Kapila, Advocate
for the petitioners.

Mr. Amit Mehta, Sr. D.A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

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

Petitioners-**Mankaran Malhi and Gurpreet Singh** have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.0008 dated 23.01.2018 registered under Sections 186, 353, 148 and 149 of the Indian Penal Code, 1860 (for short, "IPC") and Section 3 of the Prevention of Damage to Public Property Act, 1984 at Police Station Dasuya, District Hoshiarpur.

While issuing notice of motion on 28.08.2020, this Court had granted interim anticipatory bail to the petitioners with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the petition. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioners as well as

learned State Counsel and have gone through the record.

Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present FIR registered on the basis of written complaint of EMO, Civil Hospital Dasuya. Both the petitioners themselves were admitted in the Civil Hospital Dasuya on account of receiving injuries in a fight. The complainant alleged that some 14-15 unidentified young boys came to hospital and scuffled with the hospital staff, obstructed the complainant from performing her duties and damaged the public properties. Had the petitioners been involved, the complainant would have named them in the FIR as they were already under her treatment. In compliance with order dated 28.08.2020, the petitioners have joined the investigation. Nothing is to be recovered from them and their custodial interrogation is not required.

Learned State Counsel has, on instructions from ASI Jagga Ram, acknowledged that in compliance with order dated 28.08.2020 passed by this Court, the petitioners have joined the investigation and that their custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, particularly 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 deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 28.08.2020 granting interim bail to petitioners-**Mankaran Malhi and**

Gurpreet Singh is made absolute. However, petitioners-**Mankaran Malhi and Gurpreet Singh** 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.

08.10.2020

(ARUN KUMAR TYAGI)
JUDGE

Vinay

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