

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

209

**CRM-M-47763-2019
Date of decision:10.02.2020**

Shiva and anotherPetitioners

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gurpal Singh Sandhu, Advocate
for the petitioners.

Mr. Sandeep Singh Deol, D.A.G. Punjab
for respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The petitioners have filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, 'the Cr.P.C') for grant of anticipatory bail to the petitioners in case FIR No.158 dated 21.06.2019 registered under Sections 452, 148, 323 read with Section 149 of the Indian Penal Code, 1860 at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

Vide order dated 08.11.2019 passed by this Court, the petitioners were granted interim anticipatory bail with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

Learned counsel for the petitioners has submitted that the petitioners were falsely implicated in the present case. The petitioners

have joined the investigation and their custodial interrogation is not required.

Learned State counsel, on instructions from HC Narinder Pal, has acknowledged that in compliance with order dated 08.11.2019 passed by this Court, the petitioners have joined the investigation and also admitted that their custodial interrogation is not required for effecting any further recovery.

In view of the facts and circumstances of the case, nature of accusation and 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 the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 08.11.2019 granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation 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.

10.02.2020

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

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