

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53882-2019 (O&M)

Date of Decision: 05.02.2020

Jarnail Singh and others

.. Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.S. Sidhu, Advocate for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in cross case DDR No. 38 dated 19.07.2016 under Sections 323, 427, 148 and 149 IPC, 1860 and Sections 3 and 4 SC and ST Act, 1989, registered at Police Station Shimlapuri, Ludhiana in case FIR No.141 dated 14.07.2016. They apprehended their arrest at the hands of Police.

Since the FIR includes the offence punishable under SC/ST Act and the petition under Section 438 Cr.P.C. is not maintainable in view of the bar contained in Section 18 of the said Act, therefore, present petition is treated under Section 482 Cr.P.C. as there exists reasonable grounds for exercise of inherent powers.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 17.12.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Contends that the matter has been compromised between the parties and even a petition for quashing of FIR No.113 dated 14.07.1015 under Sections 323, 324,

427, 451, 379, 506, 148, 149 IPC, registered at Police Station Dabba, District Ludhiana, lodged by the petitioner, is pending for 05.02.2020.

Notice of motion 05.02.2020.

To be heard along with CRM M-47717 of 2018.

In the meanwhile, the petitioners are directed to join the investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail till the next date of hearing on their furnishing adequate bail and surety bonds to his satisfaction. The petitioners are also directed to abide by all 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 who is assisted by ASI Jwala Prasad does not dispute this fact that the petitioners have joined the investigation and states that they 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 17.12.2019 is made absolute.

05.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No