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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3228-2020
Date of Decision:16.08.2021

Gagandeep Badhwar.....Petitioner

Vs.

State of Punjab....Respondent

2. CRM-M-5021-2020

Sachin Goel @ Sachin Goyal.....Petitioner

Vs.

State of Punjab....Respondent

3. CRM-M-5641-2020

Ashok Kumar.....Petitioner

Vs.

State of Punjab....Respondent

4. CRM-M-6864-2020

Fakir Chand.....Petitioner

Vs.

State of Punjab....Respondent

5. CRM-M-7341-2020

Avtar Singh @ Tari.....Petitioner

Vs.

State of Punjab....Respondent

6. CRM-M-7802-2020

Narinder Singh @ Baba.....Petitioner

Vs.

State of Punjab....Respondent

7.

CRM-M-7812-2020

Sourav Badhwar and another

.....Petitioners

Vs.

State of Punjab

....Respondent

8.

CRM-M-7987-2020

Satpal Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Sandeep Chopra, Advocate,
Mr. Sunil Garg, Advocate,
Ms. Puja Chopra, Advocate,
for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Gobind Dhanda, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conferencing.

There are nine petitioners in these 8 petitions, who seek the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.119, dated 20.11.2019, having been registered at Police Station Banaur, District Patiala, alleging therein the commission of offences punishable under the provisions of Sections 342/364/365/384/420/465/468/471/120-B of the IPC and Section 25 of the Arms Act, 1959.

Pursuant to the interim orders passed earlier, directing the petitioners to join investigation, learned State counsel submits on instructions from ASI Baljinder Singh, that all the petitioners did join investigation and in fact *qua* them, the report under Section 173 of the Cr.P.C. has been submitted to the competent court and therefore, their custodial interrogation is not required presently.

Mr. Dhanda, learned counsel appearing for the complainant, however opposes the petitioners being admitted to bail absolutely, on the ground that against petitioner Fakir Chand (in CRM-M-6864-2020), there is another criminal case registered of similar nature, in the context of which he is already in custody.

He next submits that the other co-accused have yet not been admitted to bail by this court.

Having considered the aforesaid contentions, it needs to be observed by this court that in terms of the judgement of the Supreme Court in **M.C. Abraham v. State of Maharashtra**, (2003) 2 SCC 649, once the investigating agency itself does not require the custodial interrogation of an accused, then normally the court would not order his arrest (short of any very unusual circumstances), such discretion being that of the investigating officer.

Consequently, without making any comment on the actual merits of the case, the petitions are allowed, with the orders earlier passed in these petitions, admitting the petitioners to interim bail, made absolute, on the same terms and conditions.

Naturally, if the complainant is aggrieved in any manner of lack of proper investigation, he would always be at liberty to take recourse to his legal remedies.

A photocopy of this order be placed on the files of the connected cases.

August 16, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No