

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

207

CRM-M-5513-2020

Date of decision: 07.07.2021

Gurmeet Singh and another	Versus	Petitioners
State of Punjab		Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Preetinder S. Ahluwaila, Advocate
for the petitioners.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondent-State.

None for the complainant.

ARUN KUMAR TYAGI, J. (ORAL)

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

Petitioners-**Gurmeet Singh and Darshan Singh** have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.209 dated 11.11.2019 registered under Sections 452, 323, 355, 506, 148 and 149 of the Indian Penal Code, 1860 at Police Station Samana, District Patiala to which Sections 25 and 27 of the Arms Act, 1959 were added later on.

While issuing notice of motion on 07.02.2020, this Court had granted interim anticipatory bail to the petitioners with direction to join the investigation and the relevant part of the said order reads as under:-

"Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the case. Present criminal case has arisen out of the civil and revenue cases between the parties involving the dispute regarding inheritance of Hari Singh between his

daughters Sarabjit Kaur, Gurpreet Kaur and Charanjit Kaur and Harvinder Kaur alleged second wife and Prabhjot Kaur alleged minor daughter from said second wife. The complainant claimed that the incident in question was captured on CCTV but none of the petitioners is seen in that footage. The petitioners are ready to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Sandeep Singh Deol, D.A.G. Punjab accepts notice on behalf of the respondent-State.

At this Stage, Mr. Amandeep Singh Rai, Advocate has put in appearance on behalf of the complainant and filed memo of appearance which is taken on record and also undertakes to file power of attorney on the next date of hearing.

Copies of the paper book have been supplied to learned State Counsel and learned Counsel for the complainant, who seek time to file reply.

Adjourned to 20.04.2020.

In the meanwhile, the petitioners are directed to join the investigation as and when called upon to do so. In the event of their arrest, the petitioners shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by them to the satisfaction of the arresting officer/investigating officer. The petitioners shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which they shall not be entitled to the protection of interim bail allowed to them."

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

Earlier the petition had also been opposed by learned Counsel for the complainant who has not appeared today.

I have heard learned Counsel for the petitioners and learned State Counsel and have gone through the record.

Learned Counsel for the petitioners has, while reiterating submissions made earlier, submitted that in compliance with order dated 07.02.2020, the petitioners have joined the investigation and they may be granted anticipatory bail as their custodial interrogation is not required in the case.

On the other hand, learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioners do not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Sarabjit Singh, acknowledged that in compliance with order dated 07.02.2020 passed by this Court, the petitioners have joined the investigation and that their custodial interrogation is not required in the case.

In view of the facts and circumstances of the case, nature of accusation against the petitioners, the fact that custodial interrogation of the petitioners is not required in the case and there is no material to justify the apprehension of the petitioners fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioners deserve the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 07.02.2020 granting interim bail to the petitioners is made absolute. However, the petitioners 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.

07.07.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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