

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

(201)

CRM-M-7554-2020

Date of Decision : August 17, 2021

Palwinder Singh Dhanju and another

.. Petitioners

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Krishan Singh Dadwal, Advocate, for the petitioners.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioners are seeking anticipatory bail in FIR No. 0025 dated 01.02.2020 registered under Sections 379, 427, 34, 307 and 452 of the Indian Penal Code, 1860 at Police Station Sultanpur Lodhi, District Kapurthala.

Learned counsel for the petitioners contends that the petitioners were granted the benefit of interim bail by this Court on 26.02.2020 and the petitioners have already joined the investigation and the challan has already been submitted by the police. Order dated 26.02.2020 is as under:-

“Notice of motion was issued in this case on 24.2.2020 and the learned State counsel had sought time to seek instructions to assist the Court.

Learned State counsel, on instructions, states that present FIR No.25 dated 1.2.2020, has been registered against the petitioners namely Palwinder Singh Dhanju and Navroz Singh on the basis of complaint made by one Jit Singh. The

allegations as contained in the FIR are that petitioners used kirpan and khandas and started ransacking the car. Learned State counsel has drawn my attention to the contents of the FIR wherein, it is stated that the alleged assailants had stated that they did not want to give the car as there was some dispute going on with the owners of the car and if he would be in the car then they would kill him.

Learned counsel for the petitioner has argued that owner of this car is one Jagdish and there is earlier history also in the present case pertaining to said Jagdish. Learned counsel has drawn my attention to Annexure P1 vide which FIR No.0046 was registered on 15.3.2019 with regard to alleged occurrence which took place on 12.3.2019 wherein the complainant Nekhar Sharma had got lodged the said FIR under Sections 323, 324, 148 and 149 IPC against the accused in which the petitioner was accused in the present case. He has further drawn my attention to another DDR which was recorded at the instance of petitioners on 20.4.2019, with regard to the same occurrence in which the accused was said to be Nekhar Sharma and some other persons. He has further stated that the present FIR would have direct connection with the earlier FIR and the DDR.

In view of above said circumstances, learned counsel for the petitioners submits that the present FIR is false and frivolous. He has further submitted that even otherwise also in the alleged occurrence, no injury is attributed to anybody.

On the other hand, learned counsel for the complainant has argued that in the present case, the attack was made with Kirpans and Khandas and therefore, the matter is serious in nature and thus, the learned State counsel has opposed the grant of interim protection.

I have heard the learned counsel for the parties and perused the paper book.

In the present case the history which has led to the filing

of the present FIR has to be considered for the purpose of considering as to whether interim protection should be granted to the petitioners or not in view of what has been stated by the learned counsel for the petitioners and in view of the fact that qua the present FIR no injury is attributed to anybody. Therefore, I deem it fit and appropriate to direct the petitioners to appear before the investigating officer and join investigation and thereafter, also as and when called upon to do so and fully cooperate with the investigation process. It is directed that in the event, the petitioners are sought to be arrested, they shall be released on interim bail to the satisfaction of the investigating/arresting officer.

List on to 30.04.2020.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Paramjit Singh, states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and investigation is complete and after the investigation, Section 201 IPC has also been added in the challan. Learned State counsel further submits that no further interrogation is required at this stage.

In view of the above, the order dated 26.02.2020 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition stands disposed of.

August 17, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No