

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

Sr.No.213

**CRM-M No.10816 of 2021
Date of Decision:10.09.2021**

Pardeep Singh & anr.

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Arnav Sood, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

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RAJ MOHAN SINGH, J. (ORAL)

The petitioners seek grant of the relief of anticipatory bail under Section 438 Cr.P.C in case bearing the FIR No.07 dated 18.01.2021, registered under Sections 323, 427, 452, 336, 506, 148, 149 IPC and Section 25 of the Arms Act, at Police Station Sadar Nawanshahar, District SBS Nagar.

Vide detailed order dated 03.03.2021 passed in CRM-M-9040 of 2021, the co-accused, Subhash Chander @ Bikker, Lakhwinder Singh @ Lakha, Karanjit Singh @ Karan @ Dumba and Harpreet Singh @ Happy @ Jhagh were granted anticipatory bail by this Court. Notice of motion was issued on 09.03.2021 when learned counsel for the petitioners relied upon the aforesaid order.

Learned counsel for the petitioners contends that

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the role of the petitioners is at par with Harpreet Singh @ Happy @ Jhagh. Interim anticipatory bail was granted to them. Thereafter, the case was taken up on 31.03.2021 and the following order was passed:-

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

This is an application for seeking one more opportunity to appear before the SHO/IO to join investigation in compliance of order dated 09.03.2021.

Learned counsel for the applicants submits that when the petitioners went to join the investigation on 15.03.2021 at 11.00 A.M., the Investigating Officer allowed petitioner No.1 to join investigation but refused to join petitioner No.2 i.e. Prince Bains on the ground that his name was not mentioned in the order. It so happened because name of petitioner No.2 was depicted by the word 'another' in the order as per memorandum of parties. Even the memorandum of parties shown to the Investigating Officer did not yield any positive response from the Investigating Officer.

Let the Investigating Officer be present in Court through video conferencing on the date fixed with his explanation in the aforesaid context.

Now the petitioners shall again appear before the Investigating Officer on 04.04.2021.

Other conditions of order dated 09.03.2021 shall remain the same.

Application stands disposed of.”

In compliance of the aforesaid order, ASI Prem Lal is present in Court and he has explained his position. In view of the explanation given by the officer, I do not want to proceed against him.

Admittedly, the petitioners have now joined the

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investigation after passing of orders dated 09.03.2021 and 31.03.2021.

The aforesaid fact is admitted by the State counsel on instructions from ASI Prem Lal, who is present along with the record.

In view of aforesaid factual position, the interim order dated 09.03.2021 is made absolute. Petitioners shall keep on joining the investigation as and when required to do so and they shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C :-

1. They shall make themselves available for interrogation by a police officer as and when required;
2. They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer; and
3. They shall not leave India without prior permission of the Court.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

10.09.2021
monika

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>