

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204)

CRM-M-8056 of 2020 (O&M)

Date of Decision: 29.07.2021

Gurchan Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Mayur Karkra, Advocate, for the petitioners.
Mr. Ramdeep Partap Singh, DAG, Punjab

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

By this petition, the petitioners seek the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.153, dated 26.11.2019, having been registered at Police Station Kheri Gandian, District Patiala, alleging therein the commission of offences punishable under Sections 323, 324, 506, 148, 149 of the IPC, with Section 326 of the IPC added subsequently in the FIR.

Today an affidavit dated 26.07.2021, of the DSP, Patiala (Rural) has been filed, which is ordered to be taken on record.

A very detailed report has been made by the DSP as regards the FIR registered at the instance of petitioner no.1 herein, as also as regards the cross case registered against the petitioners and their co-accused, with it eventually stated that that the petitioners have joined investigation which is still continuing, though a report under Section 173 of the Cr.P.C. was earlier prepared qua the persons who had earlier been arrested, i.e. Harjinder Singh and Pardeep Singh.

Today, learned State counsel, on instructions from ASI Lakhbir Singh, submits that the petitioners in this petition have joined investigation and presently at least their custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, whatsoever, since the investigating agency itself does not require the custodial interrogation of the petitioners, this petition has in fact been rendered infructuous and is disposed of as such.

However, if any of the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 7 days notice before arrest, duly shown to be served upon him.

Naturally, if the complainant is aggrieved in any manner, of lack of proper investigation, he/she would be always at liberty to avail of his/her remedy as per law.

29.07.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No