

Rani Kaur

.....Petitioner

Vs.

State of Punjab

....Respondent

2.

CRM-M-12533-2021

Jagjit Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

3.

CRM-M-4972-2021(O&M)

Hardeep Kaur

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Abhishek Singla, Advocate,
for the petitioners in CRM-M-2679-2021 & CRM-M-4972-2021

Mr. Sunil Kumar Dhanda, Advocate,
for the petitioner in CRM-M-12533-2021.

Mr. Sukbheer Singh, AAG, Punjab.

Mr. S.S.Sidhu, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (Oral)

Case heard via video conference.

In these petitions the following order had been recorded on

24.03.2021:-

“Case heard by video conferencing.

Learned State counsel submits that pursuant to earlier orders passed in these petitions, as per his instructions, the petitioners have joined investigation and their custodial interrogation at least is not required at this stage.

However, CRM-8172-2021 has been filed by Gurjeet Singh (the complainant in the FIR), seeking to be impleaded as a respondent in the petition bearing CRM-M No.4972 of 2021, with

Mr.Singla, learned counsel for the applicant, submitting that he may be heard in the matter.

Notice in the application, with Mr. Abhishek Singla, learned counsel for the non-applicant/petitioner, accepting notice.

Since the complainant is obviously a concerned party, the application is allowed, with the applicant ordered to be impleaded as respondent no.2 in CRM-M No.4972 of 2021, with the amended memo of parties ordered to be taken on record.

Hearing in all the petitions is adjourned to 06.05.2021, for learned counsel for respondent no.2 in CRM-M No.4972 of 2021 to address arguments as to how, in the face of the judgment of the Supreme Court in **M.C.Abraham vs. State of Maharashtra, (2003) 2 SCC 649**, when the State itself is not requiring custodial interrogation of the petitioners, this court should direct their arrest.

Obviously, if the complainant is aggrieved in any manner of the manner of investigation, he has his own separate remedy qua that grievance.

Interim order to continue till the next date of hearing.

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

Today again learned counsel for the complainant submits that the petitioners having inflicted 10 injuries on the complainant and 3 injuries on his companion, they do not deserve to be admitted to bail; and further, the son of petitioners Jagjit Singh and Hardeep Kaur is in fact threatening the complainant time and again even now.

Having considered the aforesaid contention, as already noticed in the last order passed, when the investigating agency, rightly or incorrectly, is stating that it does not require the custodial interrogation of an accused, it would not be for this court to direct that it must take into custody such accused.

Naturally, whether or not they are taken into custody, that would not reflect at all as regards the allegations against them which would have to be proved in the normal course before the competent court by way of

evidence led on both sides.

Hence, in view of the statement made by learned State counsel on the last date of hearing and reiterated today again, in fact these petitions have been rendered infructuous and are disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, they would be given 10 days notice before arrest, duly shown to be served upon them.

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

It is to be noticed that learned counsel for the complainant, even on query, has very fairly admitted that he has not been able to find any judgment to distinguish the ratio of the judgment in **M.C. Abraham v. State of Maharashtra, (2003) 2 SCC 649.**

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

August 25, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO