

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

**CRM-M-9500-2020
Date of decision: 12.07.2021**

Darshana and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. A. S. Manaise, Advocate
for the petitioners.

Mr. M. S. Nagra, AAG, Punjab.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No. 10 dated 28.01.2020, registered under Sections 22, 29 of the NDPS Act, 1985 and Sections 186, 353, 225, 201, 511, 506, 148 and 149 of the IPC at Police Station Sadar Gurdaspur, District Gurdaspur.

The operative part of the order dated 04.03.2020, vide which the petitioners have been granted interim bail, is reproduced below:

“Counsel for the petitioners has relied upon the order dated 26.02.2020 granting interim anticipatory bail to the other co-accused of the petitioners. The operative part of the said order, reads as under:

“Learned counsel for the petitioners submits that in fact an FIR bearing No. 123 dated 09.11.2018, under Sections 302, 307, 324, 323, 148, 149 of the IPC and Section 3(2)(5)(Va) of the SC/ST Act as amended 2015 at Police Station Sadar Gurdaspur was got registered by co-accused Baldev Raj with regard to murder of his real brother Ashok Kumar and the said case is now pending for prosecution evidence.

Learned counsel further submits that petitioner No. 1 is also the real brother of deceased Ashok Kumar and petitioner No. 2 is the nephew of deceased Ashok Kumar and in order to put pressure on them, they have falsely been implicated in the present case and as per the allegations in the present FIR, the police party had arrested Baldev Raj and Veena, however, they have been released on regular bail by the trial Court, vide order dated 06.02.2020.

Learned counsel further submits that the allegations against the petitioners are general in nature and they are ready to join investigation.

Notice of motion for 21.04.2020.”

Counsel for the petitioners has further argued that the allegations against the petitioners are also identical as of the co-accused, who have been granted the concessions of interim anticipatory bail.

Notice of motion for 21.04.2020.”

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 04.03.2020, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the State, on instructions from ASI Kuldeep Singh, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioners, vide order dated 04.03.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

12.07.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No