

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM-M-18317-2021
Date of decision: 17.08.2021

Manga and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Prateek Pandit, Advocate for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

...

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

On 11.05.2021, this Court passed the following order while granting interim protection to the petitioner:-

“The Court has been convened through video conferencing due to Covid-19 Pandemic.

Instant petition has been filed under Section 438 Cr.P.C. Seeking anticipatory bail in case FIR No. 48 dated 15.03.2021 under Sections 323, 452 and 34 of the Indian Penal Code, 1860, registered at Police Station Sadar Kapurthala, District Kapurthala.

Counsel for the petitioners has contended that the petitioners are related to the complainant with whom they have a property dispute, and they have been falsely framed in the FIR (Annexure P-1). It is his argument that in any case, offence under Section 452 of the Indian Penal Code, 1860 is not made out as petitioner No.2 and the complainant are residing in the same house.

Notice of motion.

On asking of the Court, Mr. Ramdeep Partap Singh, DAG, Punjab accepts notice on behalf of respondent-State.

List on 17.08.2021.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, they shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting Investigating Officer. They shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned State counsel, upon instructions, from ASI Baldev Singh submits that both the petitioners have joined the investigation. He submits that after joining the investigation, petitioner No.1 unfortunately expired on 01.08.2021 and in so far as petitioner No.2 is concerned, he has instructions to state that he is neither required for custodial interrogation nor is he involved in any other criminal case.

Accordingly, the petition has become infructuous in so far as petitioner No.1 is concerned and is ordered to be dismissed as infructuous qua petitioner No.1.

In so far as petitioner No.2 is concerned, order dated 11.05.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

17.08.2021
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No