

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

1. CRM-M-21919-2021

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-22054-2021

Pardeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 03.06.2021

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Jaideep Verma, Advocate
for the petitioner(s).

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted two petitions
as they arise out of the same FIR.

Prayer in these petitions, filed under Section 438 of the Code of
Criminal Procedure, is for grant of anticipatory bail to petitioners in FIR
No. 02 dated 03.01.2020, registered under Sections 323, 341, 354, 451, 506,
148, 149 of the IPC at Police Station Moti Nagar, Ludhiana.

Learned counsel for the petitioners submits that as per

allegations in the FIR, registered at the instance of Manoj Kumar, it is stated that he is doing the business of property dealing and he is also running a general store in his house. On 01.01.2020, two boys came to his house and demanded cigarettes and when he asked for payment, they started quarreling and abusing him. In the meantime, main accused Varinder Vindi, along with 4/5 other persons who were holding baseball bats, came at the spot. The complainant and his wife was confined in the shop and were given beatings and the accused persons took away Rs. 20,000/-, which was lying in the shop.

Learned counsel further submits that both the petitioners are relatives of aforesaid Varinder Vindi and that is why, they have been falsely implicated in this case. It is further submitted that main accused Narinder Kumar @ Nindi @ Varinder Vindi has already been granted concession of anticipatory bail by the Court of Sessions, vide order dated 15.01.2020, by observing that from the contents of FIR, there is no specific attribution of outraging the modesty of the wife of the complainant and taking away Rs. 20,000/-.

Learned counsel further submits that both the petitioners were initially granted concession of interim anticipatory bail, vide order dated 20.03.2020, by observing that none of the injuries on the person of the complainant or his wife was declared grievous and main accused Narinder Kumar @ Nindi @ Varinder Vindi was also injured, which shows that it was a matter of altercation and scuffle between the complainant and accused person.

Learned counsel further submits that later on, the anticipatory bail applications of the petitioners were dismissed by the Additional

Sessions Judge on the premise that they did not join investigation. Learned counsel further submits that on account of COVID-19 situation, the petitioners could not join investigation and they are still ready to join investigation.

Learned State counsel, on instructions from the Investigating Officer, could not dispute the factual position that main accused Narinder Kumar @ Nindi @ Varinder Vindi has already been granted concession of anticipatory bail and the petitioners were also initially granted the concession of interim anticipatory bail.

After hearing learned counsel for the parties, without commenting upon the merits of the case, considering the aforesaid facts and circumstances of the case, the instant petitions are allowed. Petitioners are granted concession of anticipatory bail, subject to conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioners to join investigation, if so required, by issuing them a written notice in this regard.

It is made clear that in case the petitioners are called upon to join investigation and they fail to do so, it will be open for the Investigating Officer to apply for cancellation of bail.

A photocopy of this order be placed on the file of other connected case.

03.06.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No