

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

211

CRM-M-22523-2021

Date of decision: 08.07.2021

Gurjinder Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Amardeep Singh, Advocate  
for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab  
for the respondent-State.

\*\*\*\*

**ARUN KUMAR TYAGI, J. (ORAL)**

(The case has been taken up for hearing through video conferencing.)

Petitioners-**Gurjinder Singh and Deepak @ Deepu** have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.89 dated 02.05.2021 registered under Sections 452, 380, 323, 506, 148 and 149 of the Indian Penal Code, 1860 at Police Station City Tarn Taran, District Tarn Taran.

While issuing notice of motion on 08.06.2021, Co-ordinate Bench of this Court had granted interim anticipatory bail to the petitioners with direction to join the investigation and the relevant part of the said order reads as under:-

*"As per allegations of FIR, both the petitioners along with their companions tress-passed into Apollo Hotel and assaulted its Manager Om Parkash Nirala. There are also allegations that at the time of the said assault, Gurjinder Singh was armed with Sotta while Deepak Singh alias Deepu was armed with baseball bat*

*and they caused simple injuries to the aforesaid manager. There are also allegations that Deepak @ Deepu removed DVR of the CCTV Camera installed in hotel while his companion Amardeep Singh removed the gold chain which the manager of the hotel was wearing in his neck at the time of the alleged occurrence.*

*Counsel for the petitioners submits that co-accused Jatinder Singh who was arrested in this case on 4.5.2021, was granted regular bail by the Court of CJM, Tarn Taran. Counsel for the petitioners further contends that it is a case of simple injuries.*

*On the other hand, learned State counsel submits that the weapon used by the petitioners are yet to be recovered. Petitioner No.2-Deepak @ Deepu also removed DVR from the premises of the hotel, which has not been recovered so far. Learned State counsel prays for dismissal of the present petition for grant of anticipatory bail.*

*I have considered the submissions made by the counsel for the petitioners as well as learned State counsel.*

*As per allegations appearing in the FIR, simple injuries have been attributed to the petitioners. So, in case of arrest, the petitioners are directed to be released on interim bail by the investigating officer to his own satisfaction till the next date of hearing. The petitioners shall join the investigation with the police well in time before the next date of hearing and should cooperate with the investigating officer and also abide by the conditions as envisaged under Section 438(2) of the Cr.P.C.*

*To come up on 8.7.2021."*

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioners and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has, while reiterating submissions made earlier, submitted that in compliance with order dated 08.06.2021, the petitioners have joined the investigation and they may be granted anticipatory bail as their custodial interrogation is not required in the case.

On the other hand, learned State Counsel has vehemently

opposed the petition and submitted that in view of gravity of accusation, the petitioners do not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Dilbagh Singh, acknowledged that in compliance with order dated 08.06.2021 passed by Co-ordinate Bench of this Court, the petitioners have joined the investigation and that their custodial interrogation is not required in the case.

In view of the facts and circumstances of the case, nature of accusation against the petitioners, the fact that custodial interrogation of the petitioners is not required in the case and there is no material to justify the apprehension of the petitioners fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioners deserve the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 08.06.2021 granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to them.

**08.07.2021**

Vinay

**(ARUN KUMAR TYAGI)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No