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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22754-2021
Date of decision-23.09.2021

SAJAN AND ANOTHER

...Petitioners

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sultan Singh Gill, Advocate
for the petitioners.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

Mr. Amandeep Singh Manaise, Advocate
for the complainant.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in cross case bearing Rapat No. 31 dated 21.11.2020, under Sections 323, 342, 148, 149 Indian Penal Code, 1860 (Sections 182, 364, 379-B, 120-B IPC, 1860 and Section 25 & 27 Arms Act, 1959 added later on vide rapat No. 12 dated 17.04.2021), Police Station Majitha, District Amritsar Rural registered in case FIR No. 0284 dated 17.11.2020, under Sections 307, 458, 506, 34 Indian Penal Code, 1860 & Sections 25 and 27 Arms Act, 1959, registered at Police Station Majitha, District Amritsar Rural. The petitioners apprehended their arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 17.06.2021, whereby, while issuing notice of

motion to respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Prayer in this petition is for grant of anticipatory bail to the petitioners in cross case bearing Rapat No.31 dated 21.11.2020 under Section 323, 342, 148, 149 of the Indian Penal Code, 1860 (Sections 182, 364, 379-B, 120-B of the IPC, 1860 (Section 25 & 27 of the Arms Act, 1959 added later on vide rapat No. 12 dated 17.04.2021) registered in case FIR No.0284 dated 17.11.2020 under Section 307, 458, 506, 34 of the Indian Penal Code, 1860 and Section 25 and 27 of the Arms Act, 1959 registered at Police Station P.s. Majithia, District Amritsar (Rural).

Learned counsel for the petitioner contends that the petitioners have been falsely implicated in the instant case on the basis of false and frivolous allegations. It has further been submitted that it is a case of version and cross version in as much as an FIR was lodged by the petitioners against the complainant and it was 4 days thereafter that instant cross-case FIR bearing Rapat No.31 dated 21.11.2020 came to be registered against the present petitioners.

Learned counsel for the petitioners submits that even perusal of the FIR in question reveals that only simple injuries have been attributed to the complainant. He also submits that in the occurrence in question, the petitioners also suffered injuries at the hands of the opposite party. It has been submitted that the complainant Sukhwinder Singh, who was posted as Sub Divisional Officer had an axe to grind against the petitioners since they had reported against illegal imposition of penalty upon the petitioners. A prayer has, therefore, been made for grant of anticipatory bail to the petitioner by submitting that a delay of 5 days in registration of the instant rapat goes a long way to show that a fabricated case has been brought forth against the petitioners by the complainant.

Notice of motion.

On the asking of Court, Mr. Luvinder Sofat, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State. Mr. Gursimran Singh Bawa, Advocate, has put in appearance on behalf of the complainant.

Meanwhile, petitioners are directed to join the investigation as and when required by the investigating officer. In the event of their arrest, they shall be admitted to interim bail on their furnishing

*bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Code of Criminal Procedure, 1973.
Adjourned to 23.09.2021. ”*

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Kuldeep Singh does not dispute this fact that the petitioners have joined the investigation and they are not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 17.06.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

23.09.2021

Vipin kumar

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No