

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

203

CRM-M-23501-2021

Date of Decision: 08.10.2021

Sonu @ Sushil Kumar & another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Harsh Neyol, Advocate,
for the petitioners.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Ramesh Chand.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.42 dated 11.05.2021 registered at Police Station Khui Khera, District Fazilka, Punjab, under Sections 452, 323, 148, 149 IPC.
2. At the time of issuance of notice of motion, the following order was passed:

“Prayer in this petition is for grant of anticipatory bail to the petitioners in case FIR No.42 dated 11.05.2021 lodged under Sections 452, 323, 148, 149 of the Indian Penal Code, 1860 registered at Police Station Khui Khera, District Fazilka, Punjab.

Learned counsel for the petitioners submits that admittedly there was a trivial dispute between the parties which led to the occurrence in question. Learned counsel further submits that the occurrence did not take place inside the house of the complainant as alleged but outside the house in the street. He

further submits that in the occurrence in question, the complainant party suffered only simple injuries.

Learned counsel for the petitioner in support of his submissions has invited the attention of this Court to the MLR of the complainant (Annexure P-2) wherein it is clearly reflected that complainant had suffered injuries on the non-vital part of his body.

Learned counsel for the petitioner submits that the petitioners have clean antecedents in as much as they are not involved in any other criminal case. Therefore, they be extended the concession of anticipatory bail.

Notice of motion.

On the asking of Court, Mr. Luvinder Sofat, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State.

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 08.10.2021.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioners have since joined investigation and that they are not wanted in any other case.
4. It is not in dispute that it is a case of causing of simple injuries. The petitioners and the complainant are admittedly neighbours. In any case, since the petitioners have already joined investigation and are not even stated to be involved in any other case, their custodial interrogation is not required. The petition, as such, is accepted and the interim directions issued by this Court vide order

dated 18.06.2021 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

08.10.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

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