

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-34657 of 2021
Date of Decision : 11.11.2021

Sarabjit Singh @ Gullu and others

...Petitioners

Versus

State of Punjab and another

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shivam Malhotra, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Arshit Goel, Advocate for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

Petitioners are seeking anticipatory bail in FIR No.0002 dated 01.01.2021 registered under Section 323, 324, 427, 506 and 34 of the IPC (Section 326 of the IPC added later on) at Police Station Rama Mandi District Jalandhar.

Learned counsel for the petitioners submits that the petitioners have joined investigation in terms of order passed by this Court on 25.08.2021. Order dated 25.08.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.02 dated 01.01.2021, registered under Sections 323, 324, 427, 506 and 34 IPC (offence under Section 326 IPC added later on), at Police Station Rama Mandi, District Jalandhar.

Learned counsel for the petitioners argues that the parties have already compromised their disputes and on the basis of the said compromise, CRM-M-33378-2021 has

been filed for quashing of FIR, wherein, notice of motion has been issued for recording the statements of the parties.

Learned counsel for the petitioners further argues that once the parties have compromised to live peacefully, petitioners may kindly be granted the benefit of anticipatory bail as they are ready to join the investigation and cooperate.

Notice of motion to the respondents for 03.11.2021.

Mr. Ramandeep Sandhu, Senior Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent No.1-State and Mr. Harpal Singh Sidhu, Advocate, in view the service of advance copy of petition, accepts notice on behalf of respondent No.2.

Learned State counsel as well as learned counsel appearing on behalf of respondent No.2 do not dispute that CRM-M-33378-2021 has been filed for quashing the FIR on the basis of compromise wherein notice of motion has been issued for recording the statements of the parties.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the factual position stated hereinbefore, the purpose of investigation will be achieved in case the petitioners are directed to join the investigation and cooperate. Hence, the petitioners are directed to join the investigation forthwith. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

- (i) That they shall make themselves available for interrogation by the police officer as and when required.
- (ii) That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.
- (iii) That they shall not leave India without prior permission of the Court.
- (iv) That they shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Satnam Singh, states that in terms of the order passed by this Court reproduced before, the petitioners have joined the investigation and they are not required for further interrogation, at this stage.

In view of the above, the order dated 25.08.2021 passed by this Court granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that the petitioners are required for the investigation but are not cooperating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 11, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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