

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(204-1)**

CRM-M-35229-2021

Date of decision: - 08.11.2021

Jaswant Singh @ Jassa and another

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Gurmeet Singh Saini, Advocate, for the petitioners.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Mr. Baljinder Chahal, Advocate
for the complainant.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioners in respect of FIR No.97 dated 28.06.2021 registered under Sections 452, 324, 323, 427, 148 and 149 of the Indian Penal Code, 1860 at Police Station Sadar Ferozepur, District Ferozepur.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by this Court on 27.08.2021. Order dated 27.08.2021 is as under:

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioners in respect of FIR No.97 dated 28.06.2021 registered under Sections 452, 324, 323, 427, 148 and

149 of IPC at Police Station Sadar Ferozepur, District Ferozepur.

Learned counsel for the petitioners argues that the allegations alleged against the petitioners are incorrect and false and even the allegations relate to the inflicting of simple injuries and the co-accused of the petitioners namely, Gurpreet Singh @ Gora @ Gori has already been granted the benefit of interim bail by this Court while passing order dated 18.08.2021 in CRM-M-30515 of 2021. Learned counsel for the petitioners submits that the petitioners are ready to join and cooperate in the investigation and, therefore, they be granted the benefit of anticipatory bail.

Notice of motion for 08.11.2021.

Mr. Sandeep Kumar DAG, 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-State.

Learned State counsel assisted by A.S.I. Gurmail Singh does not dispute that the injuries attributed to the petitioners are simple in nature and the similarly situated co-accused namely, Gurpreet Singh @ Gora @ Gori has already been granted the benefit of interim bail by this Court while passing order dated 18.08.2021 in CRM-M-30515 of 2021.

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

Keeping in view the facts and circumstances noticed hereinbefore that the injuries attributed to the petitioners are simple in nature and the similarly situated co-accused namely, Gurpreet Singh @ Gora @ Gori has already been granted the benefit of interim bail by this Court while passing order dated 18.08.2021 in CRM-M-30515 of 2021, the petitioner has made a case for the grant of benefit of anticipatory bail especially, when learned counsel for the petitioners undertakes before this Court that the petitioners will join and cooperate in the investigation.

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 himself 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 them 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.

To be heard alongwith CRM-M-30515 of 2021.”

Learned State counsel, on instructions from SI Chandgri, states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and is not required for further interrogation, at this stage.

In view of the above, the order dated 27.08.2021 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 petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The present petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

November 08, 2021
naresh.k

Whether reasoned/speaking?	Yes
Whether reportable?	No