

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

Sr. No.206

CRM-M-35179 of 2021

Date of Decision: 16.11.2021

CHHINDERPAL SINGH AND ANOTHER

... Petitioners

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Manu Loona, Advocate
for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

Harsimran Singh Sethi, J.(Oral)

The petitioners are seeking anticipatory bail in FIR No.148 dated 26.09.2018 under Sections 148, 149, 323 and 324 IPC and Section 326 IPC added later on vide DDR No.25 dated 23.04.2021 (Annexure P-3), registered at Police Station Sadar Fazilka, District Fazilka.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by this Court dated 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.148 dated 26.09.2018 registered under Sections 324, 323, 148 and 149 IPC (Section 326 IPC added later on vide DDR No.25 dated 23.04.2021) at Police Station Sadar Fazilka, District Fazilka.

Learned counsel for the petitioners argues that in the present case, the allegations are against the main accused namely, Ranjit Singh regarding inflicting injury with Kirpan on the person of one Pappu Singh, which injury has been declared grievous in nature vide DDR No.25 dated 23.04.2021 and the said accused Ranjit Singh has been granted the benefit of regular bail by the Court below on the same date i.e. 13.07.2021, when the prayer of the

petitioners for the grant of anticipatory bail has been rejected by the said Court. Learned counsel for the petitioners submits that the injuries attributed to the petitioners are simple in nature and the prayer of the petitioners for the grant of anticipatory bail has been rejected by the Court below only on the ground that the accused were stated to be armed with deadly weapons and the same are yet to be recovered.

Notice of motion for 16.11.2021.

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 on instructions from A.S.I. Jaswinder Singh concedes that the grievous injury was attributed to the co-accused Ranjit Singh, who has already been granted the benefit of regular bail by the Court below on 13.07.2021 and the injuries attributed to the petitioners are simple in nature but, the weapons attributed to the petitioners in the FIR are yet to be recovered.

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

Once, it is conceded by the learned State counsel that the grievous injury was attributed to the co-accused namely, Ranjit Singh, who has already been granted the benefit of regular bail by the Court below, the custodial interrogation of the petitioners is not necessary and the purpose of investigation will be served, in case, the petitioners are directed to join and cooperate in the investigation.

Learned counsel for the petitioners undertakes before this Court that the petitioners will join and cooperate in the investigation and will also cooperate in the recovery of the alleged weapons.

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. ”

Learned State counsel, on instructions from ASI Hoshiar Singh, states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioners undertakes that petitioners will join investigation and also cooperate with the investigating agency in case they are required for the same in future as well.

In view of the above, the order dated 27.08.2021 granting interim bail to the petitioners is made absolute.

However, the petitioner 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 petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

16.11.2021
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No