

CRM-M No.29923 of 2019
Date of Decision : 03.08.2021

Versus

State of PunjabRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. A.K. Khunger, Advocate for the petitioners.
Mr. Sukhbeer Singh, AAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No.0067 dated 05.07.2017, registered under Sections 365, 341, 506 and 149 IPC at Police Station Bahavwala, District Fazilka.
3. On 17.07.2019, the following order was passed:-

“ Learned counsel for the petitioners submits that in order to compel the petitioners to withdraw FIR No.95 dated 07.09.2016 registered against Ghanshyam, who has been cited as main witness in this case, present FIR has been registered. As per the allegations in complaint, attempt was made to kidnap the complainant and Ghanshyam (PW) stopped the assailants, who were in two cars to get the complainant released. The petitioners have moved application before the higher police authorities about their false implication and the matter is still under investigation.

Notice of motion for 15.10.2019.

Petitioners are directed to surrender before the police and join investigation within two weeks. In the event of their arrest being required, they shall be released on interim bail till the next date, subject to their furnishing bonds to the satisfaction of Arresting Officer. However, they shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which they shall lose the benefit of interim bail allowed to them. ”

4. Today, learned counsel for the petitioners contends while learned State Counsel on instructions from *ASI Balbir Singh*, confirms that pursuant to the order of this Court dated 17.07.2019, the petitioners joined investigation, cooperated in the same, were released on ad-interim pre-arrest bail and their custodial interrogation is not required, besides police has also submitted cancellation report and the same is pending before the learned trial Court.

5. In view of the statement of the learned State Counsel, order dated 17.07.2019, passed by this Court, is made absolute. The petitioners shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be deemed to be an expression of opinion on the merits of the case.

6. Petition stands disposed of in the aforementioned terms.

(B.S. Walia)
Judge

03.08.2021

'Rajneesh'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>