

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM No. M-40874 of 2021

Date of Decision : 09.12.2021

Darshan Singh and another

....Petitioners

Versus

State of Punjab

....Respondent

(Through Video Conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Salil Dev Singh Bali, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The petitioners are seeking anticipatory bail in FIR No. 100 dated 28.12.2020, registered under Sections 324, 323 read with Section 34 IPC (Sections 307, 326 IPC added later on) at Police Station Amir Khas, District Fazilka.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by this Court dated 30.09.2021. Order dated 30.09.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No. 100 dated 28.12.2020, registered under Sections 324, 323 read with Section 34 IPC (Sections 307, 326 IPC added later on) at Police Station Amir Khas, District Fazilka.

Learned counsel for the petitioners argues that the incident is stated to have taken place on 20.12.2020 and the

FIR was got registered on 28.12.2020 and that too under Sections 323, 324, 34 IPC and it was only after a period of 6 months of registration of the FIR, Sections 307 and 326 IPC were added vide Rapat No. 22, dated 01.06.2021. Learned counsel for the petitioners submits that none of the petitioner has been attributed any grievous injury or injury dangerous to life so as to invite Section 307 or 326 of IPC. Learned counsel for the petitioners submits that injuries attributed to the petitioners are simple in nature and petitioners are ready to join the investigation and cooperate, therefore, they be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned 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 the respondent-State. Mr. Vikas Bishnoi, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of the complainant.

Learned State counsel concedes the above mentioned facts. Learned counsel appearing on behalf of the complainant is also not able to rebut the averments noticed here-in-above. Learned counsel for the complainant submits that the other accused have inflicted injuries, which are covered under Sections 307 and 326 IPC.

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

Once, the petitioners have not been attributed any injury upon the victim, which was grievous in nature or dangerous to life and admittedly the injuries attributed to the petitioners are simple in nature and the petitioners have undertaken before this Court to join the investigation and cooperate, the purpose of investigation will be achieved in case, the petitioners are directed to join the investigation and cooperate.

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 his/her satisfaction 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 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.*

Adjourned to 09.12.2021.

It is, however, made clear that after the petitioners join the investigation, in case any incriminating material comes against the petitioners, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioners in case, the same is needed.”

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

In view of the above, the order dated 30.09.2021 granting interim bail to the petitioner 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 petitioners are required for the investigation but are not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

December 09, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

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