

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.36047 of 2020
Date of Decision : 26.10.2021

Resham Singh and another ...Petitioners

Versus

State of PunjabRespondent

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

Present : Mr. Parveen Chauhan, Advocate for the petitioners.
Mr. C.L. Pawar, Sr. DAG, Punjab.

B.S. Walia, J. (Oral)

[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 pre-arrest bail to the petitioners in case FIR No.106 dated 23.08.2020, registered under Sections 323, 324, 326 read with Section 34 IPC at Police Station Machhiwara, District Khanna/Ludhiana.

[3] On 05.11.2020, the following order was passed:-

“ The case has been taken up for hearing through video conferencing.

The petitioners have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.106 dated 23.08.2020 registered under Sections 323, 324 and 326 read with Section 34 of the Indian Penal Code, 1860 in Police Station Machhiwara, District Khanna, Ludhiana.

Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case registered on concocted allegations at the instance of

Amandeep Singh. As per allegations made in the FIR, petitioner No.1-Resham Singh hurled abuses and caused injury on the backside of head of Simranjit Singh with stone while petitioner No.2-Palwinder Singh @ Kendri inflicted injury with dang on back of head of complainant-Amandeep Singh. The above-said injuries were declared to be simple. Grievous injury caused with sharp edged weapon attracting Section 326 of the IPC is attributed to co-accused Bittu who has already been arrested and is in custody.

The petitioners are ready to join the investigation.

Notice of motion.

Pursuant to supply of advance copy of the petition, Mr. Sidakmeet Sandhu, Asstt. A.G., Punjab has appeared and accepted notice on behalf of the respondent-State.

Learned State Counsel seeks time to file reply.

Adjourned to 22.01.2021.

In the meanwhile, the petitioners-Resham Singh and Palwinder Singh @ Kendri are directed to join the investigation as and when called upon to do so. In the event of their arrest, the petitioners shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by them to the satisfaction of the arresting officer/investigating officer. The petitioners shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which they shall not be entitled to the protection of interim bail allowed to them. ”

[4] Today, learned counsel for the petitioners contends while learned State counsel on instructions from ASI Jarnail Singh confirms that pursuant to the order of this Court dated 05.11.2020, the petitioners joined investigation, fully cooperated with the police, were released on ad interim pre-arrest bail and that their custodial interrogation is not

required.

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[5] In view of the statement of learned State counsel, order dated 05.11.2020, passed by this Court, is made absolute. The petitioners shall also abide with the conditions contained in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed 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

26.10.2021

'Rajneesh'

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