

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRM No. M-42362 of 2021

Date of Decision : 06.12.2021

Amandeep Singh and another

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Tushar Wadhwa, Advocate for
Mr. Manjinder Singh Saini, Advocate the petitioners.

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

Mr. Mohan Singh Rana, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petitioners are seeking anticipatory bail in DDR No.26 dated 17.06.2020, under Sections 324, 326, 295, 452, 148, 149 and 506 IPC, at Police Station Chabbewal, District Hoshiarpur. City Narnaul, District Mahendergarh registered as cross case in FIR No. 53 dated 11.05.2020, registered under Sections 323, 324, 452, 506, 34 IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Chabbewal, District Hoshiarpur.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by this Court dated 07.10.2021. Order dated 07.10.2021 is as under:-

“This common order is being passed in above-mentioned two petitions, arising to the same incident, seeking the grant of anticipatory bail in respect of case bearing DDR No.26 dated

17.06.2020, under Sections 324, 326, 295, 452, 148, 149 and 506 IPC, at Police Station Chabbewal, District Hoshiarpur. City Narnaul, District Mahendergarh, which was got registered after an FIR No.53 dated 11.05.2020, under Sections 324, 323, 452, 506 and 34 IPC and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was registered by the petitioners.

Learned counsel for the petitioners argues that the present DDR has been registered by the complainant so as to save himself from the allegations, which have been alleged in above-said FIR No.53 dated 11.05.2020, which was recorded at the instance of brother of petitioner-Amandeep Singh. Learned counsel for the petitioners further argues that even as per the DDR, the allegation alleged against the petitioner is that petitioner-Jatinder Kumar had given a blow with 'kirpan', but no co-relating injury has been found in the MLR and as far as petitioner-Sukhpreet Singh is concerned, the only allegation is for pulling of the hair and beard of the complainant. Learned counsel for the petitioners submits that only allegation attributed to petitioner-Amandeep Singh is of inflicting injury upon the complainant with 'gandasa', which injury, as per opinion of the doctor, can be self inflicted. Learned counsel for the petitioners submits that other co-accused have already been granted the benefit of anticipatory bail and therefore, the present petitioners be also extended the benefit of anticipatory bail as they are ready to join the investigation and cooperate.

Notice of motion for 06.12.2021.

Mr. Ramdeep Partap Singh, D.A.G., Punjab, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel concedes the factual averments stated herein before, but submits that as the weapons are yet to be recovered, the custodial interrogation of the petitioners is necessary.

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 herein before especially that the injury attributed to petitioner-Amandeep Singh could be self inflicted as per the opinion of the medical board cannot be ruled out and there is no corresponding injury found in the MLR to the allegation alleged against petitioner-Jatinder Singh and only allegation against petitioner-Sukhpreet Singh is of pulling of the hair and beard of the complainant, the purpose of investigation will be achieved in case the petitioners are directed to join the investigation and cooperate as the present is a case of version and cross-version and the aggressor party is to be identified during the course of the investigation.

Hence, 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 themselves 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.*

A photocopy of this order be placed on the file of connected case.”

Learned State counsel on instructions from ASI Gurminder

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 07.10.2021 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 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 06, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes
Whether reportable? No