

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.38069 of 2020

Date of Decision: January 28, 2021

Birbal Singh & others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Deepak Aggarwal, Advocate,
for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Ravinderjit Singh Dhaliwal, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.75 dated 30.09.2020, under Sections 452, 324, 323, 148, 149, 506 IPC, 1860 and Sections 326 and 307 IPC (added later on), registered at Police Station, Kotfatta, District Bathinda. The petitioners apprehended their arrest at the hands of police in the above FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 19.11.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel for the petitioners contends that the petitioners were granted the concession of pre-arrest bail in FIR No. 75 Dated 30.09.2020 under Sections 452, 324, 323, 148, 149 and 506 IPC, registered at Police Station Kotfatta, District Bathinda. Vide order dated 15.10.2020 and they have

joined the investigation also. He submits that subsequently the offences punishable under Section 326 and 307 IPC have been added which has again given apprehension of arrest to the petitioners. He submits that in the given facts their custodial interrogation may not be necessary.

Notice of motion for 28.01.2021.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438 (2) Cr.P.C. ”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the police and joined the investigation. According to him, the petitioners cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioners have joined the investigation. Learned counsel, on instructions from SI Gurvinder Singh, further states that the petitioners are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 19.11.2020 is made absolute.

January 28, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No