

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38255-2020 (O&M)
Date of decision: 13.12.2021

Balraj Singh and others

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.B.S. Mann, Advocate
for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No. 268 dated 17.10.2020 under Sections 452, 506, 148, 149 IPC and Sections 25/27 of Arms Act, registered at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

While granting interim bail to the petitioners, following order was passed by this Court on 19.11.2020: -

“...Counsel for the petitioners has argued that as per the allegations in the FIR, the dispute is regarding the balance payment of Rs.12 Lacs for a combine which allegedly had been sold by the complainant to petitioner No.1. He submits that the

allegation regarding the brandishing of the pistol by petitioners No.1 and 2 as levelled in the FIR, are false. He has placed reliance on the order dated 05.11.2020, Annexure P-3, passed by this Court in CRM-M-36163-2020, whereby co-accused, Surinderpal Singh and Sandeep Kumar have been granted interim protection.

Notice of motion.

On asking of the Court, Mr. A.A.Pathak, Addl. A.G. Punjab, assisted by Mr. Ravi Gakhar, Advocate for the complainant, who are present through video conferencing, accept notice.

List on 09.04.2021.

To be heard along with CRM-M-36163-2020.

In the event of arrest, the petitioners shall be released on interim bail, subject to their furnishing bail/surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall join investigation on 23.11.2020 at 10:00 a.m. at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib and thereafter as and when called upon to do so by the Investigating Officer and they shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.

In addition to the above bail/surety bonds, accepting the offer made by counsel for the petitioners, the petitioners are directed to submit bank guarantee/original papers of some immovable property, worth Rs.10 lacs each (in the name of

petitioners or any of their relative) to the Investigating Officer. The petitioners are also directed to give an undertaking that they would not involve themselves in any other case (today onwards) and in case, they are found and involved in some other case, the above said bank guarantee/property shall be confiscated and the amount so realized i.e. Rs.10 lacs each, shall be forfeited and deposited in the government treasury...”

Learned counsel for the petitioners submits that in pursuance of the aforesaid order, the petitioners have joined the investigation and are not required for any further investigation.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position and states that the petitioners are no more required for any further investigation and weapon of offence has been recovered.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 19.11.2020 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

13.12.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No