

Satnam Singh and others

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Bikramjit Singh Randhawa, Advocate, for
Mr. Sultan Singh Gill, Advocate,
for the petitioners.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'pre-arrest bail' upon FIR No. 51 having been registered at Police Station Kathu Nangal, District Amritsar (Rural), on 08.05.2018, alleging therein the commission of offences punishable under the provisions of Sections 307/34 of the IPC and Sections 25 & 27 of the Arms Act, 1959.

On 30.07.2021, the following order had been
passed by this court:-

“Case heard via video conferencing.

By this petition, the petitioners seek the concession of 'anticipatory bail under the provisions of Section 438 of the Cr.P.C., upon FIR no.51, dated 08.05.2018, having been registered at Police Station Kathu Nangal, District Amritsar Rural, alleging therein the commission of offences punishable under Sections 307/34 of the IPC, with Sections 25 & 27 of the Arms Act, 1959.

Petitioners no.1 and 2 having been granted three opportunities to join investigation pursuant to orders dated 17.12.2020, 25.02.2021 and 27.04.2021, they had not joined investigation and actually for that reason this petition deserved to have been dismissed on the last date of hearing itself, i.e. 19.07.2021.

However, as recorded in that order, learned counsel had submitted that since the said petitioners were directed to join investigation on 02.05.2021 vide the order dated 27.04.2021, as a last opportunity, they could not do so on that date as curfew had been imposed in the area concerned and therefore the last opportunity granted vide the order dated 27.04.2021 may be extended one more time.

A gazetted officer had been directed to file a reply to the petition, which is still not on record, though Mr. Rana, learned DAG, Punjab, submits that it has been filed.

Upon query to him, he submits that as per his instructions, it is not denied that in fact there was a curfew imposed on 02.05.2021. Correctly speaking the petitioners should have filed an application seeking extension of time immediately after 02.05.2021, which they have not done.

However, since this court had specifically asked learned State counsel to take instructions as regards any curfew present on 02.05.2021, and he has stated that there was a curfew and it is seen from the FIR that as regards petitioners no.1 and 2, i.e. Satnam Singh and Harpal Singh, no injury has been attributed to them, the order dated 27.04.2021 is extended for one last time, to the effect that the petitioners would appear before the investigating officer on 04.08.2021 at 11:00 a.m. to join investigation; and upon them so joining if they are sought to be arrested, they would be admitted to bail in terms of

the order passed by this court initially on 17.12.2020.

If the investigating officer does not join the petitioners in investigation, they would immediately appear before the learned Ilaqa Magistrate concerned on that date itself, who would then summon the investigating officer and direct him to join them in investigation.

It is made clear that if the petitioners do not approach the investigating officer/Ilaqa Magistrate on 04.08.2021 by 3:00 p.m. (in the case of the Ilaqa Magistrate), this order shall be deemed to have not been passed and the interim order passed earlier would stand vacated, with no further order required to be passed in that regard.

Adjourned to 12.08.2021.”

Today, Mr. Bikramjit Singh Randhawa, Advocate, appearing for Mr. Sultan Singh Gill, counsel for the petitioner, submits that he may be permitted to withdraw the petition as the petitioner did not join investigation despite the aforesaid order.

However, counsel who had filed the petition not having made that statement, it cannot be allowed to be withdrawn, simply on the statement of another counsel whose power of attorney is not on record.

Consequently, with learned State counsel also confirming that the petitioners have still not joined investigation, this petition is dismissed with the interim order dated 30.07.2021 vacated.

August 12, 2021
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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes
No.