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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.40902 of 2020
Date of Decision: 27.01.2021

MANGAL SINGH AND OTHERSPetitioners
Vs
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Tarun Sharma, Advocate
for the petitioners.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

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

Petitioners seek grant of anticipatory bail in case bearing FIR No.224 dated 01.11.2020 registered under Sections 353, 186, 323, 148, 149 IPC at Police Station Sadar Ferozepur, District Ferozepur.

On 10.12.2020, following order was passed by this Court:-

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

*Learned counsel for the petitioners contends that the offence under Section 353 IPC is an aggravated offence of Section 186 IPC. Section 186 IPC is non cognizable in nature. Learned counsel places reliance on **Nirbhai Singh vs. State of***

Punjab and another, 2009 (4) RCR (Crl.) 614 and Ram Kumar vs. State of Haryana 1998 (1) PLR 633. In view of the aforesaid position, all the offences would become non cognizable. Even otherwise, the case is of misunderstanding between the parties as the police personnel were in civil dresses.

Notice of motion for 27.01.2021.

In the meanwhile, petitioners are directed to appear before the SHO/Investigating Officer to join investigation on 17.12.2020 at 11.00 a.m. and in the event of their arrest, they shall be enlarged on ad interim bail, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioners shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners submitted that in compliance of the aforesaid order, the petitioners have joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel on instructions from ASI Gurmail Singh admitted the aforesaid fact and submitted that the petitioners are no more required for further investigation of the case.

In view of aforesaid factual position, the interim order dated 10.12.2020 is made absolute. Petitioners shall keep on joining the investigation as and when required to do so and they shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

January 27, 2021
Atik

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No