

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

203

CRM-M-42273-2020

Date of decision: 17.02.2021

Roor Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Vikram Satpal Anand, Advocate
for the petitioners.

Mr. P.S. Walia, Asstt. A.G., Punjab
for respondent No.1-State.

None for respondent No.2-complainant.

ARUN KUMAR TYAGI, J. (ORAL)

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

Petitioners-**Roor Singh and Pardeep Singh** have filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.118 dated 19.09.2020 registered under Sections 379, 354, 323, 506 and 148 read with Section 149 of the Indian Penal Code, 1860 in Police Station Zira, District Ferozepur.

While issuing notice of motion on 16.12.2020 this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the relevant part of the said order reads as under:-

"The petitioners have filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.118 dated 19.09.2020 registered under

Sections 379, 354, 323, 506 and 148 read with Section 149 of the Indian Penal Code, 1860 in Police Station Zira, District Ferozepur. Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the case. There is undue and unexplained delay of 3 days in lodging of the FIR. The FIR has been lodged on mere suspicion regarding theft of crop. Co-accused Lakhwinder Kaur, Sukhjinder Kaur, Jagdeep Singh, Avtar Singh and Kapoor Singh have been granted anticipatory bail by learned Additional Sessions Judge, Ferozepur vide orders dated 28.10.2020. The petitioners are ready to join the investigation and their custodial interrogation is not necessary in the case.

Notice of motion.

Pursuant to supply of advance copy, Mr. B.S. Sewak, Addl. A.G., Punjab has appeared and accepted notice on behalf of the respondent-State.

In view of the facts and circumstances of the case, presence of the complainant is considered to be necessary for just and proper decision of the petition. Therefore, complainant is ordered to be impleaded as respondent No.2. Memo of Parties be amended accordingly.

Learned State Counsel seeks time to file reply.

Adjourned to 17.02.2021.

Notice to newly added respondent No.2 be issued for that date and notice be also given dasti, if so desired.

In the meanwhile, the petitioners-Roor Singh and Pardeep Singh are directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioners shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by them to the satisfaction of the arresting officer/investigating officer. The petitioners shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which they shall not be entitled to the protection of interim bail allowed to them."

The petition has been opposed by respondent No.1-State Counsel. However, no reply has been filed by the respondent-State.

Vide order dated 16.12.2020, notice was ordered to be issued to respondent No.2-complainant who refused to accept the notice which was affixed at her house. None has appeared for respondent No.2-complainant today.

I have heard learned Counsel for the petitioners and

learned State Counsel and have gone through the record.

Learned Counsel for the petitioners has, while reiterating submissions made on 16.12.2020, submitted that in compliance with order dated 16.12.2020, the petitioners have joined the investigation and they may be granted anticipatory bail as their custodial interrogation is not required in the case.

On the other hand, learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioners do not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Shamsheer Singh, acknowledged that in compliance with order dated 16.12.2020 passed by this Court, the petitioners have joined the investigation and that their custodial interrogation in the present case is not required in the case.

In view of the facts and circumstances of the case, nature of accusation against the petitioners, the fact that custodial interrogation of the petitioners is not required in the case and there is no material to justify the apprehension of the petitioners fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses but without expressing any opinion on the merits of the case, I am of the considered view that the petitioners deserve the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 16.12.2020 granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation again if

and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to them.

17.02.2021

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(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No