

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.37647 of 2019
Date of Decision :12.08.2021

Balwinder Singh and others

.....Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr.N.S. Dandiwal, Advocate for the petitioners.
Mr. B.S. Sewak, Addl. A.G. Punjab.

(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court)

ARUN PALLI, J. (Oral):

Vide this petition under Section 438 of Cr.P.C. the petitioners pray for an anticipatory bail in FIR No.112 dated 10.8.2019, under Sections 457, 380, 429, 323, 506, 427, 148, 149 of IPC, registered at Police Station Kot Ise Khan, District Moga.

Upon hearing the learned counsel for the petitioners this court vide order dated 06.09.2019, had released the petitioners on interim bail:-

“Learned counsel for the petitioners contends that the case against the petitioners is totally concocted. It is further submitted that even as per the case of the complainant, no discernible injury is supported by any medical evidence. It is further submitted that the petitioners were granted interim protection by the Court below as well. Thereafter, the petitioners had joined the investigation. However, ultimately, the application for anticipatory bail filed by the petitioners, was dismissed by the trial Court on a factually incorrect statement made by the complainant that after availing protection from the Court, the petitioners have been threatening the complainant. It is further contended

that the petitioners never misused the concession granted by the Court below. The petitioners had never threatened the complainant, after getting the protection from the Court, as alleged by the complainant.

Notice of motion for 30.01.2020.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned State counsel, on the instructions of ASI Karamjit Singh, submits that pursuant to the order dated 06.09.2019 (ibid) the petitioners had joined the investigation. They are not required for any custodial interrogation.

In the wake of the above, the order dated 06.09.2019 is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. and shall join the investigation as and when called upon to do so.

The petition is accordingly disposed of.

(ARUN PALLI)
JUDGE

12.08.2021
deepak

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