

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-48254-2019
Date of decision: 03.12.2021**

Kulwant Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. B. D. Sharma, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No. 107 dated 15.10.2019, registered under Sections 406, 420 of the IPC at Police Station Division No. 1, District Jalandhar.

The operative part of the order dated 29.11.2019, vide which the petitioners have been granted interim bail, is reproduced below:

“Notice of motion having been issued, learned State counsel, on instructions from the police official, who is present in Court to assist him, submits that as a matter of fact, an enquiry has been marked by the DGP Punjab to the ADCP City-I, Jalandhar and therefore, the petitioners may be directed to join investigation. That being so, adjourned to 24.01.2020 with the petitioners' directed to join investigation.

In the meanwhile, upon the petitioners joining investigation, in case they are sought to be arrested, they would be admitted to interim bail, on their furnishing adequate bail and surety bonds to the satisfaction of the

arresting officer/Illaq Magistrate. They shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioners in investigation, they would appear before the learned Illaq Magistrate immediately, who would then summon the arresting officer and direct him to join them in investigation.

A status report with regard to the investigation carried out, be filed by the ADCP by the next date of hearing.”

Learned counsel for the petitioners submits that petitioner No. 1 Kulwant Singh has been declared innocent during investigation and petitioner No. 2 Gurcharan Singh Randhawa has died on 06.05.2021.

Learned State counsel, on instructions from ASI Talwinder Singh, has not disputed the aforesaid fact.

In view of the above, the present petition is rendered infructuous qua petitioner No. 2, however, it stands allowed qua petitioner No. 1 and order dated 29.11.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

03.12.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No