

**202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-54280-2019

Date of decision-15.11.2021

Gurdev Ram and another

...Petitioners

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. L.S.Lakhanpal, Advocate for
Mr. Tarunveer Vashist, Advocate for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.301 dated 16.11.2019 under Sections 326 and 34 Indian Penal Code, 1860 registered at Police Station Salem Tabri, District Ludhiana. The petitioners apprehend their arrest at the hands of Police.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 24.12.2019, whereby the interim protection was extended to the petitioners. The said order reads as under:-

“The present petition has been filed by the petitioners/Gurdev Ram and Satnam inter alia praying for grant of anticipatory bail in case FIR No.301 dated 16.11.2019 u/s 326, 34 IPC, registered at Police Station Salem Tabri, District Ludhiana.

Learned counsel for the petitioner by making reference to the contents of the FIR, submits that the two petitioners have been wrongly involved in the case. The incident had taken place on 14.11.2019, whereas, the present FIR has been filed on 16.11.2019. The petitioner-Gurdev Ram s/o Sham Lal is alleged to have pressed the head of Jaspal Singh (since injured). The role of petitioner No.2-Satnam Singh is alleged that he had caught hold the arms of

Jaspal Singh (since injured).

Learned counsel for the complainant submits that the injured- Jaspal Singh is suffering from injuries and is still hospitalized.

In CRM-M-52570-2019, filed by the petitioner-Santokh Ram, this Court on 18.12.2019, passed the following order:- "Notice of motion had been issued in this petition on December 09, 2019, but with no interim order passed in favour of the petitioner at that stage. Today, Mr. L.S. Lakhanpal, seeks time to place on record certain CCTV footage. On his request, adjourned to 24.12.2019. It is made clear that obviously there is no interim order operating in favour of the petitioner, at this stage."

Today, on resumed hearing of the case, learned counsel appearing for the petitioner-Santokh Ram, has submitted that CCTV footage is not available with the petitioner.

In view of the totality of facts and circumstances of the case, this Court without commenting on the merits of the case, deems it appropriate to direct that the petitioner(s) in both the petitions, shall join investigation on 06.01.2020 and they shall be released on interim bail to the satisfaction of Arresting/Investigating Officer, subject to the conditions provided under Section 438(2) Cr.P.C. The Investigating Officer is directed to give its report regarding actual injuries suffered by the injured and also the report regarding CCTV Camera. The Investigating Officer is at liberty to call the petitioners for joining investigation even on subsequent dates as and when required.

Adjourned to 06.02.2020.

It is further directed that the petitioners shall deposit Rs.15,000/- each with the Investigating Officer concerned within 14 days from today, which would further be disbursed to the injured/complainant or his authorised representatives.

Photocopy of this order be placed on connected file of this case."

Learned counsel for the petitioners further contends that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation and the amount of Rs.15,000/- has also been paid to the injured. He further submits that the petitioners are not the persons, who caused the injury to the victim falling under Section 326 IPC.

He states that the co-accused, namely, Santokh Ram has already been extended the concession of pre arrest bail vide order dated 21.07.2020 passed in CRM-M-52570-2019 by this Court. According to him, the petitioners cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by SI Manjeet Singh does not dispute this fact that the petitioners have joined the investigation. He further states that the petitioners are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 24.12.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

15.11.2021

vanita	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No