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

CRM-M-832-2022

Date of decision : 08.12.2022

Surjit Lal and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Abhimanyu Singh, Advocate for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Lovish Rattan, Advocate for
Mr. Surinder Sharma, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.246 dated 18.10.2021 registered under Sections 341, 323, 427, 506, 148, 149 of the Indian Penal Code, 1860 (Section 379-B of IPC has been added later on) at Police Station City Phagwara, District Kapurthala.

On 14.01.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 246, dated 18.10.2021 registered under Sections 341, 323, 427, 506, 148, 149 IPC (Section 379 B IPC added later on) at Police

Station Phagwara, District Kapurthala.

FIR was lodged on the complaint of one Bittu who stated that he deals in scrap. One Gian also has a scrap shop at a distance of 1 kilometer from the shop of complainant. As both of them are dealing in same business, they frequently quarrel regarding their customers. It is alleged that Gian always attempted to demean the complainant. On 17.10.2021 at about 2.20 am in the morning, complainant was travelling in XUV alongwith another vehicle towards village Padi Khalsa. When they reaching near the Divine Public School, 2 white cars and a Tata 207 vehicle in which 15-20 persons were present stopped the complainant. When the complainant open the window pane and asked the reason why he was stopped, then Gian raised lalkara that complainant be caught and taught a lesson for alluring the customers of Gian and causing loss to them. It is alleged that injuries were caused to complainant by nephew of Gian by using karra. The complainant escaped in his car but he was again intercepted and further injuries were caused by using datar and karra. In the quarrel, Rs. 35000/- which the complainant was carrying fell down. One gold chain also fell down. In the meantime, people gathered there and accused ran away from spot.

Learned counsel for petitioner has contended that petitioners having not been named in FIR. All the offences areailable. Section 379 B IPC was only added subsequently. He further states that infact present FIR was a counter blast to the allegations made by one Sanju (nephew of Gian) against complainant party. He alleges that it was complainant party who had attacked Sanju and caused him grievous injury on the forehead. He further states that petitioners have a shop adjacent to complainant's shop and

attempt will be made to resolve the outstanding dispute/misunderstanding between them. He undertakes that petitioners shall cooperate in investigation.

Notice of motion for 29.3.2022.

In the meanwhile, in the event of arrest of petitioners, they shall be released on interim anticipatory bail to the satisfaction of Arresting/Investigating Officer. They will join investigation as and when called for and cooperate in same. They will abide by conditions of Section 438 (2) Cr.P.C.

Sd/-(HARINDER SINGH SIDHU)

JUDGE

14.1.2022”

Thereafter, on 23.11.2022, this Court had passed the following order:-

“Learned State counsel, on instructions from ASI Sunil Kumar, has submitted that the petitioners have not joined the investigation.

Last opportunity is granted to the petitioners to join the investigation.

Adjourned to 08.12.2022.

The petitioners are again directed to join the investigation on 01.12.2022 at 11:00 AM.

Interim order to continue.

A photocopy of this order be placed on the files of connected cases.”

Learned counsel for the petitioners has submitted that in pursuance of the abovesaid orders, the petitioners have joined the investigation.

Learned counsel for the State, on instructions from ASI Sunil Kumar, has submitted that the petitioners have joined the investigation and

are not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 14.01.2022 and also the fact that the petitioners have joined the investigation and are not required for further custodial interrogation, the present petition is allowed and the interim order dated 14.01.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

08.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No