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CRM-M-18251-2022
CRM-M-23960-2022

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208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 07.09.2022

1. CRM-M-4404-2022

TARSEM SINGH ... PETITIONER

V/S

STATE OF PUNJAB ... RESPONDENT

2. CRM-M-18251-2022

TEJINDERDEEP SINGH ... PETITIONER

V/S

STATE OF PUNJAB ... RESPONDENT

3. CRM-M-23960-2022

BALWANT SINGH ... PETITIONER

V/S

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. P.S.Dhaliwal, Advocate for the petitioner(s).

Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

This order shall dispose of CRM-M-4404-2022, CRM-M-18251-2022 and CRM-M-23960-2022.

The petitioners are seeking anticipatory bail in case bearing

Police Station Nihal Singh Wala, District Moga.

Learned counsel for the petitioners contend that the FIR has been lodged against 5 unknown persons. Subsequently, the supplementary statement of the prosecutrix was recorded in which Kuldeep Singh was nominated as an accused. After the arrest of Kuldeep Singh and during the course of his interrogation, the names of Yudhvair Singh @ Yodha, Chhinder Singh and Neeta were nominated as accused. The petitioners were not nominated as accused. At the earlier instance, they had moved an application for anticipatory bail in the Court of learned Addl. Sessions Judge, Moga and the same has been dismissed as withdrawn on the score that the Investigating Officer had made a statement that the petitioners have not been nominated as accused.

Learned State counsel submits that during the course of investigation, the statement of Ranjit Singh, Sarpanch has been recorded wherein it has emerged that Tarsem Singh, Tejinder Singh and Balwant Singh, petitioners are also known by the names of Chhinder Singh, Yudhvair Singh @ Yodha and Neeta respectively. Consequently, the petitioners have also been nominated as accused in this case.

The perusal of the orders passed by the Court of learned Addl. Sessions Judge, Moga while dealing with the petition under Section 438 Cr.P.C. indicate that it has been observed that the concerned Police officials had made a statement that petitioners have not been nominated as accused in the case. Consequently, the petitioners had sought to withdraw the petitions and the same were dismissed as withdrawn.

The claim of the petitioners for anticipatory bail under Section

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438 Cr.P.C. has not been adjudicated on merits by the Court of Sessions.

The petitioners have been nominated as accused at a subsequent stage.

In these set of circumstances, the petitions are disposed of with a direction that the petitioners may approach the Court of Sessions afresh for anticipatory bail as per the provisions of Section 438 Cr.P.C. In the event, the petitioners move such an application within a period of 15 days, the interim protection extended to them in the instant cases will enure till the date of presentation thereof.

Disposed of.

07.09.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No