

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

**CRM-M-6909-2022
Date of decision: 29.04.2022**

Kulwinder Singh Dhaliwal and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gurbir Singh Sidhu, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. J. K. Singla, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No.53 dated 12.09.2021, registered under Sections 341, 323, 506 and 34 IPC (Sections 365, 342 and 325 IPC added later on), at Police Station Mehal Kalan, District Barnala.

The operative part of the order dated 18.02.2022, vide which the petitioners have been granted interim bail, is reproduced below:

“The petitioners were initially arraigned as accused in the present FIR under Sections 341, 323, 506 and 34 IPC. Later on, offences under Sections 365, 342 and 325 IPC were added and thereafter, the petitioners-accused moved an application before the Court of learned Sessions Judge, Barnala seeking grant of anticipatory bail in the newly added offences. The said application was disposed of with the observation that in a case where an accused has already been granted bail, the investigating authority, on addition of an offence or offences, may not proceed to

arrest the accused, but for arresting the accused on such addition of offence or offences, it need to obtain an order to arrest the accused from the Court which had granted the bail.

Learned counsel for the petitioner would contend that vide order dated 09.02.2022 (Annexure P-3), learned Chief Judicial Magistrate, Barnala granted permission to arrest the petitioners without issuing notice to them.

Notice of motion for 29.04.2022.”

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 18.02.2022, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the State, on instructions from ASI Jagroop Singh, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioners, vide order dated 18.02.2022, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

29.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No