

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

265

CRM-M-10728 of 2022

Date of decision : 04.04.2022

Harmesh Singh and others

... Petitioners

Versus

State of Punjab

.. Respondent

CORAM : HON'BLE MR.JUSTICE JASJIT SINGH BEDI

Present : Mr.Harpreet S. Rakhra, Advocate
for the petitioners.
Mr.Sidakmeet Sandhu, AAG, Punjab.

Jasjit Singh Bedi, J.

Petitioner seeks the grant of anticipatory bail under Section 438 Cr.P.C. in a case registered against them vide FIR No.202 dated 23.09.2021 under Sections 323, 341, 506, 148 and 149 IPC (Sections 325, 308 IPC was added later on), with Police Station Dirba, District Sangrur.

On 14.03.2022, following order was passed by this Court:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of the anticipatory bail to the petitioners in a case registered against them vide FIR No.202 dated 23.09.2021 under Sections 323, 341, 506, 148 and 149 IPC (Sections 325, 308 IPC was added later on), with Police Station Dirba, District Sangrur.

The present case is of version and cross-version. So far as the petitioners are concerned, they have not been attributed injuries attracting Sections 325/308 IPC.

At this stage, Mr. Parveen Kumar Garg, learned counsel for the complainant submits that it is a very serious offence and despite the complainant-side having a favourable order from the civil Court, the accused-petitioners have attacked the complainant side.

Given the fact that it is a case of version and cross-version and the petitioners have not been attributed the injuries attracting Section 325/308 IPC, it is the case where the petitioners deserve the concession of interim anticipatory bail.

Notice of motion for 04.04.2022.

In the meantime, petitioners are directed to appear before the SHO/Investigating Officer to join investigation on 23.03.2022 and in the event of their

arrest, they shall be released on bail on their furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

(i) that the petitioners shall make themselves available for interrogation before the investigating officer as and when required;

(ii) that the petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade them from disclosing such facts to the Court or to any police officer;

(iii) that the petitioners shall not leave the country without prior permission of the Court and shall surrender his passport, if any.

Meanwhile, the State is directed to file an affidavit as to what evidence is available with them so as to implicate the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

The learned State counsel on instructions from ASI-Sukhdev Singh submits that the petitioners have joined investigation in terms of orders dated 14.03.2022 and are not required for custodial interrogation.

In this view of the matter, interim order dated 14.03.2022 is made absolute. However, the petitioners shall keep on joining the investigation as and when required to do so and they shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

04.04.2022
sd

(JASJIT SINGH BEDI)
JUDGE

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