

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 201

CRM-M-14537-2022

Date of decision : 30.08.2022

Happy Masih and others

..... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.R.K.Arya, Advocate, for the petitioners.

Mr.Navneet Singh, Sr. DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioners seek anticipatory bail in FIR No.0031 dated 14.03.2022 registered under Sections 354, 323, 324, 148 and 149 IPC (Section 354-B IPC added later on) at Police Station Dhariwal, District Gurdaspur

On 06.04.2022 this Court had passed the following order: -

“Learned counsel for the petitioners inter-alia contends that the petitioners have been falsely implicated in this case at the behest of the complainant who is inimical towards them; the petitioners have no other criminal case pending against them; all the offences that the petitioners are accused of (except Sections 354 and 354-B IPC) are bailable offences; the facts of the case clearly reveal that Sections 354 and 354-B IPC are not attracted as the allegations against them are vague and unsubstantiated; the alleged injuries attributed to the petitioners are simple in nature and that the petitioners are also ready and willing to join and cooperate with the investigation as and when called by the investigating agency.

Notice of motion.

Ms.Gunkirat Kaur, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State.

For arguments, adjourned to 30.08.2022.

In the meanwhile subject to the petitioners' joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of their arrest in FIR No.31, dated 14.03.2022, registered under Sections 354, 354-B, 323, 324, 148, 149 IPC at Police Station Dhariwal, District Gurdaspur, they shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

Learned State counsel submits that in pursuance to the afore quoted order the petitioners have joined and cooperated with the investigation

which is now complete and as a result whereof petitioners No.1, 2 and 4 have been found innocent and petitioner No.3 is sought to be prosecuted. He further submits that since petitioner No.3 has joined investigation and investigation qua him is complete, the State does not require his custodial interrogation.

After considering the above submissions made on behalf of the petitioners as recorded in the afore quoted order and the afore-referred statement made by learned State counsel, the order of this Court dated 06.04.2022, granting ad interim anticipatory bail to the petitioners is ordered to be made absolute.

30.08.2022
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No