

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

CRM-M-26399-2022

Date of Decision: 01.08.2022

TARLOCHAN SINGH AND ANOTHER ... PETITIONERS

VS.

STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Harkirat Singh Sandhu, Advocate
 for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

On 14.06.2022, the following order was passed:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioners in a case registered against them vide FIR No.193 dated 10.09.2020 under Sections 304-B, 34 IPC with Police Station Division No.7, Ludhiana.

The learned counsel for the petitioner inter alia contends that after the registration of the FIR, a cancellation report was submitted before the Illaqa Magistrate. The said report was rejected by the Court on 05.08.2021 and further investigation was ordered. The police investigated the matter again and submitted another cancellation report and the Court rejected the cancellation report, took the cognizance of the matter vide order dated 12.04.2022 (Annexure P-3) and summoned the accused. The learned counsel for the petitioner, thus, contends that the custodial interrogation of the petitioner is not required since the accused were found to be innocent.

Notice of motion for 01.08.2022.

In the meantime, the petitioners are directed to surrender before the Trial Court within a period of one week from today and on their surrendering, they shall be released on interim bail to its satisfaction.”

Learned counsel for the petitioners contend that in pursuance of interim directions issued by this Court, the petitioners have surrendered before the Court of learned Judicial Magistrate 1st Class, Ludhiana on 17.06.2022 and have been admitted on interim bail.

Learned State counsel has not assailed the aforesaid factual aspects and further contends that as the police has submitted the cancellation report, the custodial interrogation of the petitioners is not required.

In view of the above, the petition is allowed.

However, it is directed that the petitioners shall furnish fresh bail bonds before the trial Court/Illaq Magistrate/Duty Magistrate within a period of one month. This order is further subject to the condition that the petitioners shall also comply with the provisions of Section 438 (2) Cr.P.C.

01.08.2022
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(VIVEK PURI)
JUDGE

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