

208-A

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

CRM-M-26559-2022

Date of decision : 29.10.2022

Billa Khan and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. B.S. Aulakh, Advocate for
Mr. B.J.S. Randhawa, Advocate for the petitioners.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

Mr. Sahil Thakur, Advocate for
Mr. Manuj Nagrath, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioners in case registered vide DDR No.18 dated 05.05.2022 under Sections 452, 436, 380, 427, 148 and 149 of Indian Penal Code, 1860 at Police Station Mattewal, District Amritsar Rural in FIR No.23 dated 10.04.2022 registered under Sections 302, 452, 323, 379B(2), 148 and 149 of the Indian Penal Code, 1860 at Police Station Mattewal, District Amritsar Rural.

On 07.07.2022, this Court had passed the following order:-

“Inter alia contends that in the present case, on the statement of co-accused of the petitioner namely Roshandeem, one FIR No.23 dated 10.04.2022 under Sections 302, 452, 323, 379-B(2), 148, 149 of the Indian Penal Code, 1860,

Police Station Mattewal, District Amritsar Rural was registered and in the said FIR, the allegations have been levelled with respect to the injuries caused to deceased-Lal Hussain by the party who is the complainant in the present DDR and another person from the side of the petitioner namely Roshandeen has also been injured. It is argued that the present DDR has been registered after a delay of 25 days inasmuch as the incident in question is of 10.04.2022 whereas the DDR had been registered on 05.05.2022 and in the DDR, there is no allegation to the effect that any injury had been caused to any person. It is further argued that the petitioner is not involved in any other case.

Notice of motion for 24.08.2022.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Learned counsel for the State and complainant are granted liberty to place on record all the relevant documents in order to show that the petitioners does not deserve the concession of anticipatory bail.”

Thereafter, on 24.08.2022, the following order was passed:-

“Learned State Counsel, on instructions from SI Gurpreet Singh, has submitted that although the petitioner has joined the investigation but however has not fully cooperated with the investigation.

The petitioner is again directed to join the investigation before the concerned Investigating Officer on 05.09.2022 at 11:00 am.

Adjourned to 13.10.2022.

Interim order to continue.

A photocopy of this order be placed on the files of other connected cases.”

Learned counsel for the petitioners has submitted that in pursuance of the abovesaid orders dated 07.07.2022 and 24.08.2022, the petitioners have joined the investigation.

Learned counsel for the State, on instructions from ASI Jatinder Singh, has submitted that the petitioners have joined the investigation and are not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid orders dated 07.07.2022 and 24.08.2022 and also the fact that the petitioners have joined the investigation and are not required for further custodial interrogation, the present petition is allowed and the interim order dated 07.07.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

29.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No