

202 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-34857-2021

Date of Decision: 07.02.2022

Sukhbir Singh and others

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. A.P.S. Sandhu, Advocate,
for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioners are seeking anticipatory bail in FIR No.75, dated 24.06.2021, under Sections 307, 353, 186, 332, 333, 427, 224, 225, 506, 148 & 149 of the IPC Sections 21 and 29 of the NDPS Act, registered at Police Station Jhabal, District Tarn Taran.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order dated 30.11.2021, passed by this Court, which is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in respect of FIR No.75 dated 24.06.2021, registered under Sections 307/353/186/332/333/427/224/225/506/148 and 149 of IPC and Section 21, 29 of NDPC Act, 1985 at Police Station Jhabal, District Tarn Taran.

Learned counsel for the petitioners argues that in the present case, some people in plain clothes made a resident of village, namely, Soni Phalwan, sit in their

car and took him towards the forest area of the village, which act was resented by the villagers, as nobody informed them that they were police officials. Learned counsel for the petitioner further submits that no one has taken law into their hands and petitioners rather summoned the police to look into the said aspect and the allegations alleged against the petitioners that they manhandled the police officials is totally incorrect and false and rather they have been falsely implicated, which fact is clear from the video-clip shot at the site, which showed the intention of the residents of the area, which does not show any injury being inflicted upon any of the so called police officials.

Learned counsel for the petitioners submits that as the petitioners are ready to join the investigation and cooperate, the petitioners be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel submits that against petitioners No.1, 3 and 6, there are allegations of inflicting injury and weapons are attributed to them although those injuries are simple in nature but concedes that the other petitioners have not been attributed any weapon or injury.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of the case, which have been noticed hereinbefore, the purpose of investigation can be achieved in case the

petitioners are directed to join the investigation as they have undertaken to cooperate with the investigation as nothing is to be recovered from them.

Petitioners are directed to join the investigation forthwith. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That they shall make himself available for interrogation by the police officer as and when required.

ii) That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing the said facts to the Court or to any police officer.

iii) That they shall not leave India without prior permission of the Court.

iv) That they shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Adjourned to 07.02.2022.

It is, however, made clear that after the petitioners join the investigation, in case any incriminating material comes against the petitioners, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioners in case, the same is needed.”

Learned State counsel, who has also joined the proceedings through video conferencing, on instructions from SI Balraj Singh, states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioners undertakes that petitioners will join investigation and also cooperate with the investigating agency in case they are required for the same in future as well.

In view of the above, the order dated 30.11.2021 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioners are required for the investigation but are not cooperating, they shall be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

07.02.2022*Apurva***(HARSIMRAN SINGH SETHI)
JUDGE**

1. Whether speaking/reasoned: Yes

2. Whether reportable: No