

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38510-2021 (O&M)
Date of Decision:- 14.3.2022

Joginder Singh and others Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S.Bains, Senior Advocate with
Mr. Vivek Vikas Singh, Advocate, for the petitioners.

Mr. M.S.Dullat, Addl. AG, Punjab.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No. 71 dated 9.8.2017 at Police Station Ramdas, Tehsil Ajnala, District Amaritsar under Sections 307, 364, 379-B, 353, 341, 225, 148 and 149 of Indian Penal Code.
2. At the time of issuance of notice of motion the following order was passed on 17.9.2021:

“The petitioners seek grant of anticipatory bail in a case registered vide FIR No.71 dated 9.8.2017 at Police Station Ramdas, Tehsil Ajnala, District Amaritsar under Sections

307, 364, 379-B, 353, 341, 225, 148 and 149 of Indian Penal Code.

The FIR was lodged at the instance of ASI Pargat Singh, wherein it is alleged that on the day of occurrence i.e. on 9.8.2017, when he alongwith other police officials was inquiring about Ranjit Masih resident of Talwandi, then some youngsters of the village namely Kuldeep Singh @ Kinda, Raban, Geeta Pehalwan, one unknown person son of Master Lali alongwith another 20-24 persons, who were all carrying sticks, attempted to free Ranjit Singh from police custody and attacked him with sticks. It is alleged that the said persons also abducted Inspector Vipan Kumar with an intention to kill him and snatched the complainant's mobile.

Learned counsel for the petitioners has submitted that none of them is named in the FIR and they were all kept in coloumn No.2 when charge sheet was filed against the remaining accused. It has further been submitted that, in any case, none of the injuries alleged to have been caused to the complainant can be said to be any such injury, which could be dangerous to life and admittedly none of the accused was armed with any deadly weapon and the allegations are that they were carrying sticks. It has further been submitted that it is not even the case that the injured had remained admitted in hospital. It has been submitted that in case the version as recorded in FIR had been correct, the complainant's side would have sustained a large number of injuries, whereas in the instant case only a few injuries, most of which are in the nature of "complaint of pain" have been found. Learned counsel has submitted that the FIR was lodged in the year 2017 and now after about 4 years, the petitioners are being harassed by the police and are being threatened that they would be proceeded against in the matter and shall be arrested.

Notice of motion for 14.3.2022.

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

3. Learned State counsel has informed that pursuant to aforesaid directions, the petitioners have joined investigation and they are not required for custodial interrogation. It has also been informed that the petitioners are not wanted in any other case.
4. Having regard to the aforestated position wherein the petitioners have joined investigation and are not required for any custodial interrogation, the petition is accepted and interim directions issued by this Court vide order dated 17.9.2021 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

14.3.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No