

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-34994-2022 (O&M)
Date of decision:21.10.2022

Raghubir Singh and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Ashok Kumar Khunger, Advocate for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case bearing FIR No.42 dated 22.03.2021 registered under Sections 307,353,186,427,34 IPC at Police Station Kotbhai, District Sri Muktsar Sahib.

On 18.08.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case, neither the petitioners were arrested at the spot nor any recovery has been effected from them nor any injury has been caused to any person and the petitioners are sought to be implicated only on the basis of secret information although, in pursuance of the said secret information, no recovery has been effected. It is further submitted that the petitioners are also involved in other cases and has relied upon judgment of the Hon'ble Supreme Court in “Maulana Mohd. Amir Rashadi vs. State of U.P. and another”, reported as 2012 (2) SCC 382 to contend that the facts and circumstances of the present case are to be seen and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second

respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

Notice of motion for 29.09.2022.

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.

18.08.2022

(VIKAS BAHL)
JUDGE”

Thereafter, on 29.09.2022, this Court was also pleased to pass the following order: -

“Learned State counsel, on instructions from ASI Gurmeet Singh, has pointed out that the petitioners have not joined investigation.

The petitioners are directed to join investigation on 06.10.2022 at 11:00 AM.

Adjourned to 21.10.2022.

Interim order to continue till the next date of hearing.

(VIKAS BAHL)

September 29, 2022

JUDGE”

Learned counsel for the petitioners has submitted that in pursuance of the said order, the petitioners have joined the investigation.

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

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 18.08.2022, and also the fact that the petitioners have joined the investigation and are not required for further investigation, the present petition is allowed and the interim order dated 18.08.2022 is made absolute.

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 petition.

Pending application, if any, stands disposed of in view of the above said order.

21.10.2022

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(VIKAS BAHL)

JUDGE

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