

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

204-3

Decided on : 31.10.2022

(I) CRM-M-36292-2022

Gurtej Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

(II) CRM-M-39976-2022

Gurpreet Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

(III) CRM-M-41408-2022

Manpreet Singh @ Peeta Singh and another

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Anchal Singla, Advocate
for the petitioner(s) (in CRM-M-36292-2022).

Mr. Lakhwinder Singh, Advocate
for the petitioner(s)
(in CRM-M-39976-2022 and CRM-M-41408-2022).

Mr. J. S. Arora, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

By this common order, I propose to dispose of aforementioned three petitions, which have been filed by Gurtej Singh, Gurpreet Singh and Manpreet Singh @ Peet Singh and another, respectively, under Section 438

of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to them, in case FIR No. 40, dated 19.07.2022, under Sections 365, 342, 323, 148 and 149 IPC (Sections 324 and 325 IPC added lateron), registered at Police Station Jaurkian, District Mansa.

On 18.08.2022, following order was passed by this Court in CRM-M-36292-2022:

“The prayer in the present petition filed under Section 438 Cr. P.C., is for grant of Anticipatory/Pre-arrest bail to the petitioner in case FIR No.40 dated 19.07.2022, under Sections 365, 342, 323, 148, 149 IPC (Sections 324, 325 IPC added lateron) registered at P.S. Jaurkian, District Mansa (Annexure P-1).

Learned counsel for the petitioner contends that in the present FIR, total 8 accused have been named and in second phase of the incident, Jagga Singh, Kuldeep Singh and Gurtej Singh (present petitioner) sons of Surjit Singh, have been named with the allegation of making the complainant to sit forcibly on tractor and to take their home. It is further contended that neither there is any injury attributed to the petitioner nor having any weapon, even as per the contents of the FIR. Intention of the complainant is to implicate all the family members and especially petitioner and his two other brothers. It is further contended that since no weapon has been attributed in the hands of the petitioner, custodial interrogation would not be warranted for any fruitful purpose. Still the petitioner is ready to join and cooperate

with the investigating agency. He further contends that only Section 365 IPC is non-bailable and all other offences are bailable.

Notice of motion.

On the asking of the Court, Mr. Bhupinder Beniwal, AAG, appears and accepts notice on behalf of respondent-State.

A copy of the present petition along with complete annexures be supplied to learned State counsel during the course of the day.

To come up on 31.10.2022.

In the meanwhile, the petitioner is directed to join investigation on 02.09.2022 with the Investigating Agency concerned. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the following conditions as specified under Section 438(2) Cr.P.C.:

(1) That the person shall make himself available for interrogation by a police officer as and when required;

(2) That the person 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 him from disclosing such facts to the Court

or to any police officer;

(3) That the person shall not leave India without the previous permission of the Court;

(4) Such other condition as may be imposed under sub- section (3) of section 437, as if the bail were granted under that section.”

Learned counsel for the petitioner(s) submits that on the basis of above said order, similar interim relief was also granted by this Court vide orders dated 05.09.2022 and 09.09.2022 passed in **CRM-M-39976-2022 (Gurpreet Singh vs. State of Punjab)** and **CRM-M-41408-2022 (Manpreet Singh @ Peeta Singh and another vs State of Punjab)**, respectively.

Learned counsel for the petitioner (s) further submits that in compliance of orders dated 18.8.2022, 05.09.2022 and 09.09.2022 passed in all three petitions, petitioner(s) have joined the investigation and fully cooperated.

Learned counsel for the State, on instructions from ASI Daler Singh, confirms the said averment and submits that custodial interrogation of the petitioner(s) is not required for the purpose of investigation.

Heard learned counsel for the parties.

Since the petitioner(s) have joined the investigation and their custodial interrogation is not required, the present petitions are allowed and the ad-interim orders dated 18.08.2022, 05.09.2022 and 09.09.2022 passed in CRM-M-36292-2022, CRM-M-39976-2022 and CRM-M-41408-2022, respectively, are made absolute.

However, the petitioner(s) shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2), Cr.P.C.

Petitions stand disposed of.

A copy of this order be placed on the files of connected cases.

(SANJAY VASHISTH)
JUDGE

October 31, 2022

Riya

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