

202

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

CRM-M-43145-2021

Date of decision : 02.03.2022

Nachhattar Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Satpreet Grewal Kapila, Advocate for the petitioners.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioners in cross case DDR No.26 dated 23.06.2020 registered under Sections 307, 323, 324, 447, 511, 379, 427, 269, 270, 271, 148, 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 and Sections 53 and 54 of the Disaster Management Act, 2005 in FIR No.150 dated 17.06.2020 registered under Sections 307, 323, 324, 506, 427, 447, 511, 148, 149 of the Indian Penal Code, 1860 and Sections 25-54-59 of the Arms Act, 1959 (offences under Sections 452, 269, 270, 271 of the IPC and Sections 53, 54 of the Disaster Management Act, 2005 have been added later on) at Police Station Tanda, District Hoshiarpur.

On 12.10.2021, this Court had passed the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioners in cross case DDR No.26 dated 23.06.2020 registered under Sections 307, 323, 324, 447, 511, 379, 427, 269, 270, 271, 148, 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 and Sections 53 and 54 of the Disaster Management Act, 2005 in FIR No.150 dated 17.06.2020 registered under Sections 307, 323, 324, 506, 427, 447, 511, 148, 149 of the Indian Penal Code, 1860 and Sections 25-54-59 of the Arms Act, 1959 (offences under Sections 452, 269, 270, 271 of the IPC and Sections 53, 54 of the Disaster Management Act, 2005 have been added later on) at Police Station Tanda, District Hoshiarpur.

This petition has been filed by the two petitioners i.e. petitioner No.1-Nachhattar Singh and petitioner No.2-Gurmit Singh.

After arguing for sometime, learned counsel for the petitioners seeks permission of this Court to withdraw the present petition qua petitioner No.1-Nachhattar Singh and submits that liberty be granted to petitioner No.1 to surrender before the police. She has further made a prayer that in case, petitioner No.1 surrenders before the police and files an application for grant of regular bail, the same be decided as expeditiously as possible preferably within a period of one week.

In view of the statement made by learned counsel for the petitioners, the present petition is dismissed as withdrawn qua petitioner No.1-Nachhattar Singh.

In case, petitioner No.1 surrenders before the police and files an application for grant of regular bail, the trial Court is requested to decide the same as expeditiously as possible preferably within a period of one week from the

date of filing of the said application.

With respect to petitioner No.2-Gurmit Singh, learned counsel for the petitioners inter alia contends that although petitioner No.2 is stated to be armed with kirpan but no injury has been attributed to petitioner No.2. It has further been submitted that the present case is a case of version and cross-version and in fact, the FIR which has been registered by the petitioners' party was on 17.06.2020 whereas the cross-version has been registered on 23.06.2020.

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 20.12.2021.

In the meantime, in the event of arrest, petitioner No.2 shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, petitioner No.2 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.”

On 02.02.2022, the following order was passed:-

“Learned State counsel, on the instructions of ASI Anil Kumar, has pointed out that petitioner no.2 has not joined the investigation in spite of two specific orders. Last opportunity is granted to petitioner no.2 to join the investigation before the Investigating Officer on 07.02.2022 at 11:00 AM.

Adjourned to 02.03.2022.

Interim order to continue.”

Learned counsel for the petitioners has submitted that in pursuance of the abovesaid order dated 12.10.2021, petitioner No.2 has

joined the investigation.

Learned counsel for the State, on instructions from ASI Anil Kumar, has submitted that petitioner No.2 has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 12.10.2021 and also the fact that petitioner No.2 has joined the investigation and is not required for further custodial interrogation, the present petition is allowed qua petitioner No.2 and the interim order dated 12.10.2021 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.

02.03.2022
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No