

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

CRM-M-46894 of 2021

Date of Decision:-20.1.2022

Harinder Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jasdev Singh Mehndiratta, Advocate
for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Pratap Singh Gill, Advocate
for the complainant.

(Proceedings conducted through video conferencing)

HARSIMRAN SINGH SETHI J.(Oral)

The petitioners are seeking anticipatory bail in FIR No.67 dated 27.7.2021, under Sections 452, 323, 324, 148 and 149 IPC, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by this Court dated 10.11.2021. Order dated 10.11.2021 is read as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioners in respect of FIR No.67 dated 27.07.2021

registered under Sections 452, 323, 324, 148, 149 of the Indian Penal Code, 1860 at Police Station Badali Ala Singh, District Fatehgarh Sahib.

Learned counsel for the petitioners submits that this is a case of version and cross version and after the registration of the present FIR, a DDR has also been registered on the asking of one Lakhbir Singh son of Nachhatar Singh against the complainant on 07.08.2021 being G.D. No.21. Learned counsel for the petitioners further submits that all the injuries allegedly suffered by the complainant/victim are simple in nature and all the sections invoked in the FIR except Section 452 IPC are bailable. Learned counsel for the petitioners further submits that allegations of trespassing the premises with intention to hurt are yet to be proved and therefore, as the petitioners are ready to join the investigation and cooperate with the same, they may kindly be extended the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned 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 and Mr. Pratap Singh Gill, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of the complainant.

Learned counsel for the respondent-State concedes that the injuries, which have been received by the victim, are simple in nature but as there are specific allegations against the petitioners attributing them with the specific weapons and those weapons are yet to be recovered, therefore, the custodial interrogation of the

petitioners is necessary.

Learned counsel appearing on behalf of the complainant submits that in the present case, number of injuries have been suffered by the victim at the hands of the petitioners though, as per the opinion of the doctor, they are simple in nature. Learned counsel for the complainant further submits that the intent of the petitioners was to inflict grievous injuries upon the victim as they trespassed the house with the said intention and therefore, the custodial interrogation of the petitioners is necessary though, learned counsel for the complainant concedes that there is a cross version registered on the asking of one Lakhbir Singh against the complainant.

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

This Court as of now, is only to adjudge whether the purpose of investigation will be achieved by granting custodial interrogation to the Investigating Agency or by directing the petitioners to join the investigation and cooperate with the same.

Keeping in view the facts and circumstances of this case, which have been recorded hereinbefore, especially when the injuries received by the victim are simple in nature and the petitioners have undertaken before this Court to join the investigation and cooperate with the same, even with respect to the recovery of the weapons, which has been attributed to them in the FIR, purpose of investigation will be achieved in case, the petitioners are directed to join the investigation and cooperate with the same.

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 themselves 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 him 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 19.01.2022.

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 petitioner in case, the same is needed.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Karam 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 10.11.2021 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 is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

January 20, 2022
Vijay Asija

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No