

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

207

CRM-M-49162-2021

Date of decision: 30.03.2022

AMANDEEP SINGH ALIAS BHINDER AND ORS.

.....PETITIONERS

Versus

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Veeraj Sharma, Advocate
for the petitioners.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent/State.

Mr. Amandeep Saini, Advocate
for the complainant.

SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioners, in case, FIR No. 68 dated 05.10.2021 registered under Sections 379-B, 323, 148, 149 of the Indian Penal Code, 1860 at Police Station Balianwali, District Bathinda.

While issuing notice of motion on 24.11.2021, Co-ordinate Bench of this Court, granted interim anticipatory bail to the petitioners with direction to join the investigation. Relevant part of order dated 24.11.2021 reads as under :-

“Learned counsel for the petitioners, *inter alia*, submits that the petitioners have been falsely implicated in this case. Injuries suffered by the complainant are simple in nature. Co-accused Nirmal Singh has been granted interim anticipatory bail vide order dated 03.11.2021 passed by this Court in CRM-M-46291-2021 which is listed for further hearing on 16.12.2021. Moreover, nothing is to be recovered from the petitioners. They are ready and willing

to join investigation.

Notice of motion.

On the asking of the Court, Mr.C.L.Pawar, Sr.Deputy Advocate General, Punjab accepts notice on behalf of the State of Punjab.

To be heard alongwith CRM-M 46291-2021 on 16.12.2021.

In the meanwhile, the petitioners are directed to join investigation within ten days and would come present as and when called for. In the event of their arrest, the petitioners shall be released on interim bail on their furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the conditions as specified under Section 438 (2) Cr.P.C. ”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioners has, while reiterating submissions made on 24.11.2021, submitted that in compliance with order dated 24.11.2021, the petitioners have joined the investigation and they may be granted anticipatory bail as their custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from A.S.I. Kuldeep Singh, acknowledged that in compliance with order dated 24.11.2021 passed by this Court, the petitioners have joined the investigation and that their custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioners is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioners deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 24.11.2021 granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to them.

30.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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