

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

202-3

CRM-M-47764 -2022

Date of Decision: 30.11.2022

Amritpal and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. A.S.Mann, Advocate
for the petitioners.

Mr. Amish Sharma, Asstt. A.G., Punjab.

Mr. Dheeraj Kumar, Advocate for
Mr. HP S Ishar, Advocate
for the complainant.

JAGMOHAN BANSAL, J. (Oral)

On 10.11.2022, the following order was passed :-

“The petitioner(s) through instant petition under Section 438 Cr.P.C. are seeking anticipatory bail in FIR No.0110 dated 02.11.2021 under Sections 457, 380, 427, 148 and 149 of Indian Penal Code registered at Police Station Joga District Mansa (Annexure P-1).

Learned State counsel on instructions from Investigating Officer submits that petitioner(s) (Jagtar Singh @ Jagga) has already been arrested, thus, CRM-M-45573-2022 has become infructuous qua petitioner No.1-Jagtar Singh @ Jagga.

Learned counsel for the petitioner(s) would submit that Amritpal son of Dharampal is real brother of complainant Tarsem Lal. Some civil disputes qua property are pending between complainant and Amritpal. Jagtar Singh, Kuldip

Singh, Tari Singh, Mela Singh, who are arrayed as co-accused in FIR are workers of Amritpal and Harmesh Lal son of Deshraj is uncle of Amritpal and his brother Tarsem Lal. As per FIR the alleged incident took place on 30.10.2021 whereas FIR was registered on 02.11.2021 and there is no reason of delay. The petitioner(s) have been implicated in false and fabricated case and they are ready to join the investigation.

Learned counsel for the complainant would submit that there is allegation of commission of an offence punishable under Sections 457, 380, 427, 148 and 149 of the IPC which attract sentence of 14 years, thus, it is a serious matter and petitioner(s) do not deserve concession of anticipatory bail. He further contended that there was an attempt to register cross FIR which was cancelled by police. The photographs drawn by Investigating Officer speak itself. The petitioner(s) forcefully entered into the house of the complainant and devastated their residence as well as ransacked household articles.

Learned State counsel submits that investigation is pending and custodial interrogation is required.

Having heard arguments of the parties, this Court finds that out of 5 persons who are before this Court, 4 are labourers and they are working with Amritpal who is real brother of the complainant-Tarsem Lal. Learned counsel for the complainant and learned State counsel are unable to dispute the fact that some civil litigation is pending between the parties. It is also undisputed fact that as per FIR incident occurred on 30.10.2021 whereas FIR was registered on

02.11.2021. Having regard to facts and circumstances, and submissions of both sides, the petitioners are entitled to protection of interim bail.

Adjourned to 30.11.2022.

Meanwhile, the petitioner(s) shall join the investigation on 16.11.2022 or any other subsequent date as fixed by the Investigating Officer and would remain present as and when summoned by Investigating Officer and in the event of arrest, the petitioner(s) shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner(s) shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

If the arresting officer does not permit the petitioner(s) to join the investigation, the petitioner(s) would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner(s) in investigation, in terms of the order of this Court.

A photocopy of this order be placed on the file of connected case.”

Learned counsel for the petitioners submits that the petitioners have joined the investigation and fully cooperated the Investigating Officer.

Learned State counsel on instructions from ASI Bhim Singh does not dispute the statement made by learned counsel for the petitioner and further submits that petitioner has joined investigation on 24.11.2022.

He further submits that no custodial interrogation is required.

In view of the above, the petition is allowed and the interim

bail granted to the petitioner vide order dated 10.11.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

(JAGMOHAN BANSAL)
JUDGE

30.11.2022
anju

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No