

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(102+203-A)

CRM-6570-2022 in/and

CRM-M-53237-2021

Date of Decision : February 24, 2022

Vidharthi Rao @ Heena and another

.. Petitioners

Versus

State of Punjab

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Vikas Bali, Advocate, for the applicant/complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

CRM-6570-2022

Present application has been filed for placing on record the documents marked as Annexures R-1 to R-3 and for seeking exemption from filing certified copies of the Annexures.

Keeping in view the averments made in the application, the same is allowed and Annexures R-1 to R-3 are permitted to be taken on record.

CRM-M-53237-2021

The petitioners are seeking anticipatory bail in FIR No.215 dated 07.10.2021 registered under Sections 323, 324, 506, 148, 149 of the IPC (Section 379-B and 120-B of IPC added later on) at Police Station

Model Town, District Ludhiana.

In pursuance to the order dated 20.12.2021, the petitioners have joined the investigation. Order dated 20.12.2021 is 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. 215 dated 07.10.2021, registered under Sections 323, 324, 506, 148, 149 IPC (Section 379-B, 120-B added later on) at Police Station Model Town, District Ludhiana.

Learned counsel for the petitioners argues that the similarly situated co-accused, namely, Shalu Mahant and others, have already been granted the concession of anticipatory bail by this Court in CRM No. M-52678 of 2021. Learned counsel for the petitioners submits that the allegations alleged against the petitioners in the present petition are false and as the petitioners are ready to join the investigation and cooperate, they may kindly be extended the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who is present in Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and Mr. Vikas Bali, Advocate appears in Court and accepts notice on behalf of the complainant.

*Learned counsel for the respondent-State as well as learned counsel for the complainant does not dispute the factum that similarly situated co-accused have been granted the concession of anticipatory bail by this Court while passing order in CRM No. M-52678 of 2021 titled as **Shalu Mahant and others Vs. State of Punjab.***

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

Once, similarly situated co-accused have already been extended the benefit of anticipatory bail and the said fact has

been conceded by the respondents, the petitioners have made out a case for the grant of anticipatory bail on the ground of parity.

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 himself 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 them 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 24.02.2022.

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 petitioners in case, the same is needed.

*To be heard along with **CRM No M-52678 of 2021.***

Learned State counsel, on instructions from ASI Harpool Singh, states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and no further interrogation of the petitioners is required at this stage.

Learned counsel appearing on behalf of the complainant submits that sections of the IPC invoked in the present FIR are not commensurate to the injuries, which have been suffered by the victim and the petitioners have already approached the authorities concerned that the injuries suffered by the victim are not simple but are grievous in nature. Learned counsel for the complainant also disputes the medical report and submits that the prayer of the petitioners for the grant of anticipatory bail may kindly be declined.

The order which is being passed on the prayer of the petitioners is keeping in view the facts and circumstances those exist as of now. Concededly, as of now, the injuries as depicted in the medical report, are simple in nature. In case, at a later stage, the complainant is able to convince the authorities concerned that the injuries suffered by the victim are grievous in nature and certain other sections of the IPC need to be invoked in the FIR, the complainant can have recourse to any remedy available to him at that stage.

In view of the above, the order dated 20.12.2021 granting interim bail to the petitioners is made absolute as of now.

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 are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 24, 2022

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No