

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(314)

CRM-M-49901-2022

Date of decision: - 30.11.2022

Saroj Bala and another

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sunny K. Singla, Advocate,
for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.161 dated 30.09.2022, under Sections 323, 452, 148 and 149 IPC, at Police Station City Khanna, District Ludhiana.

On 29.10.2022, this Court was pleased to pass the following order:-

“Inter alia, contends that the petitioners are 60 and 65 year old respectively and they are not involved in any other criminal case. It is further submitted that in the statement which has been given on 29.09.2022, no allegation has been made against the present petitioners with respect to any house trespassing or any

injury having been caused to any person and the FIR has been registered after a delay of 2 days, inasmuch as, the incident was of 28.09.2022 and the FIR had been registered on 30.09.2022. It is also submitted that it is only subsequently, on 30.09.2022, that it had been stated that the present petitioners had entered the house of the complainant. It is stated that all the alleged injuries caused to the complainant are simple in nature.

Notice of motion for 30.11.2022.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners 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.

(VIKAS BAHL)
JUDGE

October 29, 2022"

Learned counsel for the petitioners has submitted that in pursuance of the above-said order, the petitioners have joined the investigation.

Learned State counsel, on instructions from the ASI Jagtar Singh, has submitted that the petitioners have joined investigation and are not required for further investigation

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 29.10.2022 and also the fact that the petitioners have joined the investigation and are not required for further custodial interrogation, the present petition is allowed and the interim order dated 29.10.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final

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.

November 30, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No