

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

204

CRM-M-53915-2021

Date of decision: 04.04.2022

DALIP SINGH AND OTHERS

.....PETITIONERS

Versus

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Neeraj Madaan, Advocate
for the petitioners.

Mr. A.A.Pathak, Addl. A.G., Punjab

Mr. H.S.Jakhal, 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. 121 dated 24.09.2021 registered under Sections 452/323/148/149 of the Indian Penal Code, 1860 at Police Station Sadar Jalalabad, District Fazilka.

While issuing notice of motion on 23.12.2021, this Court granted interim anticipatory bail to the petitioners with direction to join the investigation. Relevant part of order dated 23.12.2021 reads as under :-

“The allegations against the petitioners are that they caused various injuries to the complainant and his wife. Petitioner No.1-Dalip Singh gave sota blows to complainant's wife which hit her on her right elbow as well as on the wrist of left hand, petitioner No.2-Bharawan Bai caught hold of the neck of the complainant and made him fell down, petitioner No.3-Manga Singh gave continuous sota blows to the complainant's wife which hit her on lower part of right leg and left thigh, petitioner No.4-Akko Bai alias Iqwinder caught hold of complainant's wife from her hair and petitioner No.5-Seema Rani picked up a brick and

threw it on the complainant, which hit him on left shoulder.

It is contended that the present case has been registered by the complainant to falsely implicate the petitioners on account of not bringing dowry by petitioner No.4, who is daughter-in-law of the complainant. It is further contended that the injuries attributed to the present petitioners are simple in nature.

Notice of motion for 17.03.2022.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State. Copy of the paper book be supplied to learned State counsel, during the course of the day by hand or through e-mail.

In the meanwhile, petitioners are directed to join the investigation. In the event of arrest, petitioners shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:-

- (i) that the petitioners shall make themselves available for interrogation by a police officer as and when required;*
- (ii) that the petitioners 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 such facts to the Court or to any police officer;*
- (iii) that the petitioners shall not leave India without the previous permission of the Court...”*

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 23.12.2021, submitted that in compliance with order dated 23.12.2021, 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. Sukhdev Singh, acknowledged that in compliance with order dated 23.12.2021 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 23.12.2021 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.

04.04.2022
kavneet singh

(SANT PARKASH)
JUDGE

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