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

**CRM-M-54800-2021 (O&M)
Date of Decision:02.02.2022**

Amandeep Singh Mahant and another

.. Petitioners**Vs.**

State of Punjab

..Respondent**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Darshan Singh Malwai, Advocate for the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.53 dated 21.04.2019 under Sections 302, 148, 149 and 120-B IPC, 1860 (Sections 212 and 216 IPC added later on), registered at Police Station Cantt Bathinda, District Bathinda. The petitioners apprehend their arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioners has invited the attention of the Court to the order dated 04.01.2022 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Learned counsel for the petitioners inter alia contends that initially FIR No.53 dated 21.04.2019 was registered for the offences punishable under Sections 302, 148, 149 and 120-B of the Indian Penal Code against one Gurdeep Singh and four other unknown persons. Later on in the investigation, the names of the aforesaid four unknown persons were revealed as Lovepreet Singh, Kuldeep Singh, Tegveer Singh and Amritpal Singh. However, the names of the present petitioners have their origin in DDR No.28 dated 08.04.2021. They are alleged to have harboured and sheltered two of the accused. On the basis thereof, the present petitioners have been summoned by the Court of ACJM, Bathinda. Even though it has not been mentioned under which section they have been summoned.

Learned counsel for the petitioners has drawn attention of the Court to the statement made by ASI Manjit Singh which reads as under:-

“Applicants Amandeep Singh Mahant and Jaswinder Singh Kathari had been nominated only u/s 212 & 216 IPC vide DDR No. 25 dated 08.04.2021. Said offences are bailable in nature. We do not require the custodial interrogation of above said persons.

RO & AC

Sd/-

Sd/- Manjit Singh ASI

A.S.J.”

Notice of motion for 02.02.2022.

On the asking of the Court, Mr. Ayush Sarna, AAG, Punjab, appears and accepts notice on behalf of the respondent-State.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioners shall join the investigation. They shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

Learned counsel for the petitioners further states that in deference to the said order, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Jagtar Singh, does not dispute this fact that the petitioners have joined the investigation and are not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 04.01.2022 is made absolute.

02.02.2022

Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No