

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8-2022 (O&M)

Date of decision: 03.03.2022

KRISHAN SINGH AND ANR

...Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present:- Mr. Kashish Garg, Advocate
for the petitioners.

Mr. Dhruv Dyal, Sr.DAG, Punjab.

SANT PARKASH, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, petitioners seek anticipatory bail under Section 438 Cr. P. C. in case FIR No. 177 dated 12.10.2020 registered under Sections 341, 353, 186, 323, 427, 269, 270 and 149 IPC at Police Station Nehianwala, Bhatinda.

On 05.01.2022, this Court has passed the following order:

“The instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.177 dated 12.10.2020, registered under Sections 341, 353, 186, 323, 427, 269, 270 and 149 IPC at Police Station Nehianwala, Bathinda.

The allegations against the petitioners are that they along with 15-20 unknown persons obstructed a government servant in performing his

duty as also damaged the government vehicle and violated norms of social distancing. It is contended that a false FIR has been registered against the petitioners as no injuries have been reported upon the body of complainant as well as the alleged volunteers and Darbara Singh, Multi Purpose Health Worker PHC Goniana. No specific allegations have been alleged in the FIR, rather general allegations of beating and damaging the vehicle (which is not a Govt. vehicle and belongs to one Harbans Singh of Bathinda) have been levelled. Moreover, the petitioners are nowhere related to the deceased and therefore, they have no motive to assault the complainant, volunteers or any of the official.

Notice of motion for 03.03.2022.

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.

Learned State counsel on instructions from ASI Gurnaub Singh, submits that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the above and the petitioner having joined the investigation, the order dated 05.01.2022 passed by this Court is made absolute, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of accordingly.

(SANT PARKASH)
JUDGE

03.03.2022

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Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No