

101+205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:070531
CRM-22346-2023 in/and
CRM-M-683-2023
Date of Decision: May 16, 2023

Diljot Singh @ Jyoti and others ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Harmanpreet Singh Sehgal, Advocate for the petitioners.

Mr. Parneet Singh Pandher, AAG, Punjab.

Mr. Deepak Vashisht, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

CRM-22346-2023

This is an application moved by the complainant to place on record the Conclusion Report dated 19.10.2022 as Annexure C-1.

Allowed.

Annexure C-1 is taken on record.

CRM-M-683-2023

Petitioner was allowed interim anticipatory bail on 11.01.2023 by passing the following order:-

“All the four petitioners seek pre-arrest bail in case FIR No.123, dated 28.08.2022, registered at Police Station Sadar Malout, District Sri Muktsar Sahib, under Sections 323, 324, 148, 149 of IPC (Section 379-B IPC and Sections 25 & 27 of the Arms Act, 1959 added later on).

The allegations are that on 27.08.2022, the four petitioners along with unknown persons came to a common place where Sewak Singh-complainant along with his brothers Baljit Singh and Balwinder Singh was present. The assailants were armed with weapons and they caused injuries to Sewak Singh. It was also alleged that one of the petitioners Gurpiyar Singh @ Kaku pointed his revolver at Baljit Singh. It is also alleged that after inflicting injuries, some unidentified persons removed gold kara

weighing 2 tolas from the complainant. It is contended by the petitioners that they have been falsely implicated; that they were joined investigation by the police and were granted interim bail. However, later on Sections 379-B and 25 & 27 of the Arms Act have been added to make the offences appear to be serious.

Notice of motion.

Mr. R.S. Khaira, DAG, Punjab, accepts notice on behalf of the respondent-State and Mr. Deepak Vashishth, Advocate has put in appearance on behalf of the complainant.

It is conceded by learned counsel for the complainant as well as by the learned State counsel that the offence under Section 379-B IPC is not attributed to any of the petitioners. It is also conceded that none of the arms allegedly taken by the petitioners at the time of offence, were used.

However, the bail is opposed on the ground that one of the petitioners Diljot Singh @ Jyoti was earlier convicted in case FIR No.138, dated 06.09.2009, registered at Police Station Sadar Malout.

Having considered submissions of both the sides and noticed the factual position above, I consider it a fit case where the petitioners should be asked to join the investigation. As such, they are directed to join the investigation as and when required by the Investigating Officer and to co-operate in the same. However, they are further directed not to contact any of the witnesses pertaining to this case in any manner. They shall not leave the country without prior permission of the Court. In the event of the arrest of the petitioners, they shall be released on interim bail on their furnishing bonds to the satisfaction of the Arresting Officer/Investigating Officer. However, the petitioners shall continue to join the investigation as and when called to do so and shall also abide by conditions envisaged under Section 438 Cr.P.C.

Status report be filed on 20.02.2023.”

Petitioner has since joined the investigation as conceded by learned State counsel. It is further submitted that after concluding the

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investigation, even the challan has been filed on 20.03.2023.

In view of the above and considering the circumstances as mentioned in the order dated 11.01.2023, the said order is hereby made absolute.

Disposed of.

May 16, 2023

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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No