

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2342-2023 (O&M)
Date of decision : 27.07.2023

Piara and Ors. ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. A.S. Khinda, Advocate for the petitioners.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Raman Singla, Advocate for the complainant.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioners in FIR No.442 dated 18.12.2022 under Sections 354, 326, 324, 323, 148 and 149 of Indian Penal Code, 1860 (IPC) registered at Police Station Kotwali Kapurthala, District Kapurthala.
2. On 14.02.2023 the following order was passed :

“The present petition is for grant of anticipatory bail to the petitioner in FIR No.442 dated 18.12.2022 under Sections 354, 326, 324, 323, 148 and 149 of IPC, registered at Police Station Kotwali Kapurthala, District Kapurthala.

Learned counsel for the petitioners has submitted that the allegations leveled in the FIR are absolutely vague and evasive and no injury has been attributed to the petitioners therein, except the bald averments that one of the petitioners, namely, Reena-petitioner No.3 had a stick in her hand.

Notice of motion.

On the asking of the Court, Mr. Arun Gupta, AAG, Punjab, assisted by ASI Balwinder Singh, accepts notice on behalf of the respondent-State. Mr. Raman Singla, Advocate has put in appearance on behalf of the complainant and filed his power of attorney. The same is taken on record.

Learned State counsel, assisted by counsel for the complainant, has vehemently opposed the contentions of the counsel for the petitioners and has submitted that the petitioners had caused grievous injuries to the victims and, therefore, they are not entitled to the concession of anticipatory bail.

After hearing the counsel for the parties and going through the FIR, the only allegation against the petitioners is that they accompanied the other accused and said loudly that the disputed has occurred due to the complainant. However, it has been recorded that Kuldeep Kaur-petitioner No.4 was empty handed and only Reena-petitioner No.3 was armed with a stick, whereas, petitioner No.2-Jagiro @ Jagir Kaur came on the spot.

Adjourned to 13.04.2023.

In the meanwhile, the petitioners shall join investigation on 24.02.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency,

even thereafter.

In the event of arrest, the petitioners be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioners shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C. ”

3. Learned counsel for the petitioners would contend that pursuant to the said order, the petitioners have joined investigation and have fully cooperated.

4. Learned counsel for the State, on instructions from ASI Balwant Singh, has stated that the petitioners have since joined investigation and that after investigation petitioner Nos.1 and 2 have been declared innocent. Learned State counsel has further stated that petitioner Nos.3 and 4 are no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 14.02.2023 is made absolute. The petitioners shall, however, join investigation as and when called. The petitioners shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

27.07.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO