

208 (1)

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

CRM-M-7176-2023

Date of Decision: 17.04.2023

Labh Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Pradeep Sharma, Advocate
for the petitioners.

Mr. Harjinder S. Sidhu, AAG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioners in case FIR No.3, dated 14.01.2023 (Annexure P-1), registered under Sections 147, 149, 186, 323, 332, 341, 353, 427 and 506 of the Indian Penal Code, 1860, at Police Station Kheri Nodh Singh, District Fatehgarh Sahib, Punjab.

On 03.03.2023 the following order was passed by this Court :-

“Present petition under Section 438 of the Code of Criminal Procedure is filed seeking grant of anticipatory bail to the petitioners in case FIR No.3 dated 14.01.2023 (Annexure P-1), under Sections 147, 149, 186, 323, 332, 341, 353, 427 and 506 of the Indian Penal Code, registered at Police Station Kheri Nodh Singh, District Fatehgarh Sahib, Punjab.

Brief facts of the case are that the aforesaid FIR (Annexure P-1) was registered against the petitioners on the basis of statement of complainant, namely Manpreet Kaur, who stated that on 13.01.2023 at around 8 P.M., Labh Singh s/o Pritam Singh, Charanjit Singh s/o Labh Singh, Surinder Singh @ Soni, Maninder Singh @ Lilly s/o Avtar Singh along with some other unknown persons were celebrating Lohri festival while drinking alcohol and abusing loudly, whereupon the complainant party

stopped them from abusing loud and consequent thereto, all the aforesaid persons along with one Rajni d/o Labh Singh came in front of the house of complainant and started abusing and threatening to kill the complainant party. Thereafter, the complainant called at Police Helpline No.112 and filed a report with regard to the aforesaid incident, and subsequently, Assistant Sub Inspector Jasvir Singh along with Assistant Sub Inspector Jaswinder Singh and other police officers came to the street near the house of complainant. Thereafter, when, at around 11:40 P.M., complainant, along with her husband, namely Dalveer Singh, and mother-in-law, namely Amarjit Kaur, was going towards the police then Labh Singh, Maninder Singh @ Lilly, Surinder Singh, Charanjit Singh, Rajni and two other unknown persons came forward and surrounded the complainant party and started abusing and throwing bricks at them; Maninder Singh @ Lilly hit the left side of the head of complainant with a brick and Maninder Singh hit the forehead of complainant's husband with a brick and a heavy bangle worn by said Maninder Singh, which resulted in bleeding of the forehead of complainant's husband. Thereafter, when the police party came forward to stop the beatings, the aforesaid accused attacked the police party as well and injured Assistant Sub Inspector Jasvir Singh. Aforesaid Rajni d/o Labh Singh, who was standing nearby, was encouraging the accused and abusing the complainant party. The windshield of the policemen's Alto car was also smashed with a brick by the accused. Thereafter, the police party somehow managed to escape the complainant, along with her husband and mother-inlaw, from the accused.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the aforesaid FIR (Annexure P-1), at the behest of complainant-Manpreet Kaur as no specific allegations have been levelled against the petitioners in the present case. It is further submitted that it is highly improbable to accept the allegations levelled in the present FIR (Annexure P-1) as neither any backup was called by the police party nor any separate complaint has been moved by the police officials for taking action against the petitioners, in accordance with law. Learned counsel for the petitioners contends that during the pendency of present FIR (Annexure P-1), the matter has been amicably compromised between the parties concerned vide Compromise Deed dated 24.01.2023 (Annexure P-2). However, the anticipatory bail application moved by the petitioners before the Court of Additional Sessions Judge, Fatehgarh Sahib, has wrongly been dismissed, vide order dated 31.01.2023 (Annexure P-3). It is stated that there is an inordinate delay of one day in registration of the present FIR (Annexure P-1), which was also not considered by the Court below while deciding the bail application. Learned counsel for the petitioners submits that the petitioners are

ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Learned State counsel though opposes the plea of petitioners on the ground of seriousness of the offences, however, he prays for an accommodation to seek instructions and assist the Court in this matter.

List on 17.04.2023.

Without commenting anything on the merits of the case, petitioners are directed to join the investigation as and when directed by the investigating agency and in the event of arrest of petitioners, they shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer and the petitioners shall abide by the terms and conditions laid down under Section 438(2) of the Code of Criminal Procedure.”

Learned counsel for the petitioners submits that pursuant to the aforesaid order, the petitioners have joined the investigation.

Learned State counsel on instructions from SI Harjit Singh has not disputed the aforesaid fact of joining of investigation by the petitioners and submits that their custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioners have joined the investigation and their custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 03.03.2023 passed by this Court is made absolute.

However, the petitioners shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioners fail to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioners.

Nothing expressed here-in-above shall be construed to be an

observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

17.04.2023
Himani

(HARSH BUNGER)
JUDGE

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