

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

217-2

CRM-M-11440-2023

Date of decision: 05.07.2023

Buta Singh and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. J. S. Warring, Advocate
for the petitioners

Mr. Manipal Singh Atwal, DAG, Punjab

AMAN CHAUDHARY. J.

1. On 03.03.2023, this Court had passed the following order:-

“This is a petition under Section 438 Cr.P.C., seeking anticipatory bail to the petitioners in FIR No.003 dated 21.01.2023 (Annexure P-1), under Sections 458, 323, 148 and 149 of the IPC, registered at Police Station Kotfatta, District Bathinda.

Learned counsel for the petitioners contends that the allegations qua the petitioners are that petitioner No.1 armed with Gandasa and petitioner No.2 armed with Kirpan along with 7-8 unidentified persons, who were armed with sticks, trespassed into the house of the complainant and gave beatings, however, no specific injuries have been attributed to the petitioners except bald statement and vague allegations. He further contends that there is an inordinate delay of 22 days in lodging the FIR, which has not been explained in the FIR itself, as the occurrence took place on 29.12.2022 and the FIR was lodged on 21.01.2023. He has asserted that the co-accused namely Gurwinder Singh @ Maana Singh alongwith three other co-accused have been granted the concession of interim bail by this Court, vide order dated 28.02.2023, passed in CRM-M-10358-2023.

Notice of motion.

On the asking of Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State and seeks time to get instructions.

Adjourned to 05.07.2023.

Looking into the totality of facts and circumstances and also the fact that there is an inordinate delay of 22 days in registration of FIR, which has not been explained even in the

body of the FIR and the fact that no specific injuries have been attributed to the petitioners and the co-accused of the petitioners have been granted the concession of interim bail by this Court, the petitioners are directed to be released on interim bail subject to the satisfaction of Arresting Officer/Investigating Officer, on their joining investigation as and when called for and cooperate in investigation and also shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

2. Learned counsel submits that in pursuance of the above order, the petitioners have not only joined investigation, but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur.
3. Learned State counsel on instructions from ASI Jagtar Singh affirms the factum of joining the investigation by the petitioners and cooperating with the investigating agency. He also submits that at this stage, the petitioners are not required for further custodial interrogation.
4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioners is allowed and the order dated 03.03.2023 granting interim bail to them, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C.
5. However, it is made clear that if the petitioners fail to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to them.

05.07.2023
Mehak

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No