

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22814-2023

Date of Decision: 03.07.2023

SIMRAN KUMAR ALIAS RAHUL AND ANOTHER

... PETITIONERS

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sarju Puri, Advocate, for the petitioners.

Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

1. On 08.05.2023, following order was passed by the Co-ordinate

Bench:

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioners are seeking anticipatory bail in FIR No. 81 dated 03.11.2022, under Section 354-B of IPC, registered at Police Station, Aur, District SBS Nagar.

Learned counsel for the petitioners inter alia contends that FIR in question is a counter blast to complaint dated 27.10.2022 lodged by the petitioners against brother and other family members of the complainant. From the perusal of contents of FIR, it prima facie appears that complainant has made false allegations against the petitioners. The petitioners are not involved in any other offence. They are ready to join investigation. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion, returnable for 03.07.2023.

On the asking of Court, Mr. Shiva Khurmi, AAG, Punjab, who on advance notice, is present in court, accepts notice on behalf of State-respondent.

Having considered contents of the FIR, role attributed to the petitioners, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the

petitioner and law enunciated by Hon'ble Supreme Court in **Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565**, this Court is of the prima facie opinion that petitioners deserve protection from arrest. Accordingly, at the first instance, the petitioners are directed to appear before investigating officer on 16.05.2023 and thereafter as directed by IO. In the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioners shall co-operate the investigating officer.

If the arresting officer does not permit the petitioners to join the investigation, the petitioners would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioners in investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court."

2. Learned counsel for the petitioners contend that in pursuance of the interim directions, the petitioners have joined the investigation.
3. Learned State counsel, on instructions from SI Balbir Ram, has not disputed the aforesaid factual aspect and further submitted that the custodial interrogation of the petitioners is not required.
4. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 08.05.2023 is made absolute. This order is subject to the condition that the petitioners shall abide by the conditions as stipulated under Section 438(2) Cr.P.C.

03.07.2023

Janki

**(VIVEK PURI)
JUDGE**