

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

CRM-M-26725-2023.

Date of Decision:-29.11.2023

Gagandeep Sharma and others

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Gautam Dutt, Advocate and
Mr. Vishal Sharma, Advocate
for the petitioners.

Mr.Ferry Sofat, Addl.A.G. Punjab.

VIKAS BAHL, J. (Oral)

1. This is a first petition filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioners in FIR No.0015 dated 17.05.2023 registered under Sections 32, 33, 63 of the Indian Forest Act, 1927, Sections 9, 51 of the Wild Life (Protection) Act, 1972, Section 21 (1) of the Mines and Mineral (Development and Regulation) Act, 1957 and Section 379 of the Indian Penal Code, 1860 (Section 120-B IPC added later on) at Police Station Nangal Bhoor, Pathankot.

2. On 26.05.2023, a coordinate Bench of this Court was pleased to pass the following order:-

“Learned Senior counsel for the petitioners submits that notice of motion has been issued in CRM-M No.26167 of 2023 filed by the petitioners for quashing of FIR in question in which following order was passed on 22.05.2023:

“While alleging mala fides against the respondent No.3, learned Senior counsel for the petitioner submits that the victim of sexual abuse is resident of the village of the petitioners. The petitioner No.1 is the Sarpanch of the village. The petitioner No.2 is the brother of the petitioner No.1, who is one of the partners in Ganpati Stone Crusher. The petitioner No.3 is the father of the petitioners No.1 and 2.

Learned Senior counsel for the petitioners with reference to the nature of offences alleged submits that no offence is made out even from bare reading of the allegations. Three days prior to the occurrence, the complainant in the FIR visited the house of the petitioners in order to have some favour to the respondent No.3 as the complaint of the victim has already been taken cognizance of by the National Commission for scheduled caste and the Governor has already sent the video to the Director General of Police, Punjab in order to get its authenticity checked. The video is ultimately found to be authentic in view of forensic examination.

Notice of motion.

On the asking of the Court, Mr. Sanjeev Soni, Addl. A.G., Punjab accepts notice on behalf of the respondents and seeks a week's time to file status report.

Let status report be filed specifically with reference to the excavation work and minor mineral, if any recovered from the site in question or from the place belonging to the petitioner.

Adjourned to 26.05.2023.

Notice re: stay as well.”

Learned State counsel seeks time to file status report with reference to the alleged excavation work and minor mineral and the evidence collected by the police in respect of selling of the same at some undisclosed place.

Adjourned to 09.08.2023.

Till the next date of hearing, the petitioners will appear before the Investigating Officer on 31.05.2023 at 11.00 A.M. and in the event of doing so, they shall be allowed to join the investigation to the satisfaction of Investigating Officer. In the

event of their arrest, they shall be enlarged on interim bail subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the Arresting Officer. However, petitioners shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

26.05.2023

(RAJ MOHAN SINGH)
JUDGE”

3. In pursuance of the said order, the status report has been filed.
4. Learned counsel for the petitioners has submitted that in pursuance of the above-said order, the petitioners have joined the investigation and have fully cooperated in the same.
5. Learned State counsel, on instructions, has submitted that the petitioners have joined the investigation and are not required for further custodial interrogation.
6. Keeping in view the above said facts and circumstances, more so, the fact that the petitioners have already joined the investigation, the present petition is allowed and the interim order dated 26.05.2023 passed by the coordinate Bench of this Court is made absolute.
7. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

November 29, 2023.

Davinder Kumar

Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No