

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CRM-M-27533-2023 (O&M)

Date of Decision : 12.12.2023

PRITPAL SINGH & ANR.

.... Petitioners

VERSUS

STATE OF UT, CHANDIGARH

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Karan Vir Nanda, Advocate for the petitioners.

Mr. Sumit Jain, Additional PP UT Chandigarh.

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.26 dated 04.05.2023 under Sections 341, 354, 354-B, 323, 34 of the Indian Penal Code, 1860 registered at Police Station Sarangpur, UT Chandigarh.

2. On 30.05.2023 the following order was passed :

“This is a petition under Section 438 Cr.P.C. seeking grant of pre-arrest bail in case FIR No.26 dated 04.05.2023, registered under Sections 341, 354, 354-B, 323 and 34 IPC at Police Station Sarangpur, U.T. Chandigarh.

2. Learned counsel for the petitioners contends that allegations against the petitioners, who are nephew and brother-in-law of the complainant, are false. The dispute

between the parties pertains to a property/house where the parties are staying jointly. In that regard, a mutual agreement was also entered into between them, dated 18.07.2022 (Annexure P-2). The same was not acted upon by the complainant, and on that account a complaint was made to the police by the petitioners, dated 27.04.2023 (Annexure P-3). Regarding the alleged incident on 21.04.2023, a kalandara under Sections 107/151 Cr.P.C. was also recorded by the police (Annexure P-1), wherein the complainant has given different version than the one given by her in the FIR lodged. The petitioners do not have criminal antecedents, and are ready and willing to join the investigation and cooperate with the investigating agency.

3. Notice of motion for 16.10.2023.

4. Mr. Karan Monga, Advocate, has put in appearance on behalf of the complainant by filing vakalatnama and the same is taken on record.

5. In the meanwhile, the petitioners shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest, they shall be released on interim bail to the satisfaction of Arresting Officer. The petitioners shall also abide by the conditions of 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 SI Mohan Singh, has stated that the petitioners have since joined investigation and have fully cooperated and that they are no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 30.05.2023 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.

12.12.2023
Aman Jain

(ALKA SARIN)
JUDGE

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