

206-2

2023:PHHC:158307

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-29886-2023

Date of decision: 11th December, 2023

Sukhwinder Singh @ Kinder and others

...Petitioner(s)

Versus

Santokh Singh and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.K. Yadav, Advocate for the petitioners.
Ms. Navjot Kaur, Advocate for respondent No.1.
Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The instant petition has been filed under Section 438 of Cr.P.C. by the petitioners seeking pre-arrest bail in a private complaint No. COMI/4/2023, dated 16.01.2023 titled as 'Santokh Singh Vs. Sucha Singh, filed under Sections 307/326/323/324/354/148/149 of Indian Penal Code, pending in the Court of Ms. Mehak Sabharwal, Sub Divisional Judicial Magistrate, Sultanpur Lodhi.

2. The brief facts of the case relevant for the disposal of the present petition are that the aforementioned complaint has been filed by respondent No.1-complainant against the petitioners making allegations that they had formed membership of an unlawful assembly on 24.11.2022 and in prosecution of common object of that unlawful assembly, that they had opened an assault upon the respondent No.1, had voluntarily caused injuries to him, had outraged her modesty and made an attempt to kill her. The petitioners were ordered to be summoned to face trial vide order dated 06.03.2023 as passed by learned trial Magistrate. They have filed this petition seeking anticipatory bail on the ground that their custodial

interrogation is not required. They have been falsely implicated in this case. They had filed an application for grant of anticipatory bail before the Court of Learned Additional Sessions Judge, Kapurthala which had been declined vide order dated 29.04.2023. Hence, prayer has been made for extending benefit of pre-arrest bail for them.

3. Vide order dated 07.06.2023, a direction was given that in case of their appearance before the Court concerned, they would not be arrested and would be treated as having been granted anticipatory bail.

4. Learned counsel for the petitioner has placed on record copies of orders passed by learned trial Court showing that they have appeared before the Court of Learned Sub Judicial Magistrate, Sultanpur Lodhi. Since this is a private complaint case, therefore, neither the custodial interrogation of the petitioners is required nor any recovery is to effected from them. As such, no useful purpose would be served by detaining them in custody.

5. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 07.06.2023, granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

[MANISHA BATRA]
JUDGE

11th December, 2023

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No