

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

212

CRM-M-31255-2023

Date of decision: 10.08.2023

Sukhwinder Singh and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sameydeen, Advocate for
Mr. Ghulam Nabi Malik, Advocate, for the petitioners.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

1. On 27.06.2023, this Court had passed the following order:-

“Present petition has been filed under Section 438 of Cr.P.C., praying for grant of anticipatory bail to the petitioner in case bearing FIR No. 48 dated 16.05.2023 registered under Sections 307, 160, 148, 149 of the Indian Penal Code and Section 25 of Arms Act 1959 at Police Station Dehlon, District Police Commissionerate Ludhiana.

Learned counsel for the petitioners contends that as per allegations levelled in the FIR, the petitioners were standing at the place of occurrence and no injury has been attributed to them. Learned counsel further contends that the other co-accused, who had fired gut shot on the complainant have already been arrested by the police authorities and are behind the bars. Learned counsel submits that no other criminal case is pending against the petitioners and they have clean antecedents. Learned counsel further submits that nothing is to be recovered from the petitioners and they are ready to join the investigation.

Notice of motion.

Mr. P.S. Grewal, DAG Punjab, DAG Haryana, who is present in the Court, accepts notice on the asking of the Court and seeks time to file reply/status report.

Adjourned to 10.08.2023.

Meanwhile, in the event of arrest, the petitioners are ordered to be released on interim bail on their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

2. Learned counsel for the petitioners submits that in pursuance of the aforesaid order, the petitioners have not only joined investigation but have 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. Status report by way of affidavit of Sh. Guriqbal Singh, PPS, Assistant Commissioner of Police (South) Ludhiana has been filed in Court by the learned State counsel. The same is taken on record.

4. Learned State counsel 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.

5. 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 27.06.2023 granting interim bail to them, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

6. 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.

(AMAN CHAUDHARY)
JUDGE

10.08.2023

Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No