

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34918-2022(O&M)

Date of decision: 14.11.2023

HARVINDER SINGH AND ANR

...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present:- Mr. Jaswinder Singh Waraich, Advocate for
Mr. Daman jeet Bhorawal, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Ms. Gagandeep Kaur, Advocate(Legal Aid Counsel)
for the complainant.

VIVEK PURI,J. (ORAL)

1. Petitioner is seeking anticipatory bail in the case bearing FIR No.154, dated 14.07.2022, under Sections 323, 342, 354, 354-A, 379-B, 506, 148, 149 IPC, 1860 registered at Police Station Bhawanigarh, District Sangrur.
2. On 06.12.2022, the following order was passed in the main case by the Coordinate Bench of this Court:-

“Status report by way of an affidavit of Mohit Aggarwal, PPS,Deputy Superintendent of Police, Sub Division Bhawanigarh, District Sangrur has been filed on behalf of respondent-State, which is taken on record.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case on account of a civil dispute between the petitioners and the complainant. He further submits that mobile phone has been recovered from the petitioners.

Learned State counsel submits that this Court vide order dated 08.08.2022 has stayed the arrest of the petitioners, however, there was no order to join the investigation by the

petitioners and the same is held up. He further submits that mobile phone has been recovered from the petitioners. In these circumstances, the order dated 08.08.2022 is modified to the extent that in the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation before the Investigating Agency/Officer. They shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

(i) That the petitioners shall make themselves available for interrogation by a police officer as and when required to do so.

(ii) That the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iii) That the petitioners shall not leave India without prior permission of the court.

List on 12.04.2023.”

3. Learned counsel for the petitioners contend that the petitioners have joined the investigation in pursuance of interim directions. The offence under Section 201 IPC has also been added on the score that the mobile phone has not been got recovered. In fact, the allegations with regard to snatching of mobile phone are false and the petitioners are not in possession of any mobile phone. The offence under Section 201 IPC is bailable.

4. On instructions from ASI Kulwinder, learned State counsel submits that the petitioners have joined the investigation but the mobile phone and the weapon of offence has not been got recovered and consequently, and offence under Section 201 IPC has been added which is otherwise bailable.

5. The learned counsel for the complainant has also opposed the bail application on the score that the occurrence has been videographed and the same has been handed over to the Investigating Agency.

6. It has not been disputed that in pursuance of the interim directions, the petitioners have joined the investigation and there is a civil dispute between

the parties. The injuries are stated to be simple in nature.

7. In view of the aforesaid submissions, the order dated 06.12.2022 granting interim bail to the petitioner is made absolute. However, it is made clear that this order shall also be construed to have been passed with regard to the offence under Section 201 IPC.
8. The petition is allowed.

14.11.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No