

204-A

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

CRM-M-37478-2022(O&M)

Date of Decision: 22.03.2023

AVTAR SINGH AND ANR

....Petitioners

Versus

UT CHANDIGARH AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Rohit Khullar, Advocate
for the petitioners.

Mr. Amit Kumar Goyal, A.P.P., UT, Chandigarh.

Mr. Saurabh, Advocate with
Mr. S.K. Sharma, Advocate
for respondent No.2.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C is for grant of concession of anticipatory bail to the petitioners in case FIR No.64 dated 12.05.2022 registered under Sections 306 and 34 of Indian Penal code, 1860 at Police Station Mauli Jagran, UT Chandigarh.

On 24.08.2022, the following order was passed by the Co-ordinate Bench of this Court :-

“The learned Senior Counsel for the petitioners has submitted that the present petitioners are at parity with the other co-accused who have been granted interim bail by this Court vide Annexure P-4 and P-5.

Notice of motion.

Mr. Amit Kumar Goyal, learned APP, U.T, Chandigarh accepts notice on behalf of the U.T, Chandigarh and prays for some time to seek instructions.

Adjourned to 08.02.2023.

To be heard alongwith CRM-M-33581-2022.

In the meantime, petitioners are directed to join the

investigation as and when called by the Investigating Officer. In the event of their arrests, they shall be released on bail by the Arresting/Investigating Officer on their furnishing bail bonds/sureties to his satisfaction, subject to the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioners submits that pursuant to the aforesaid order, the petitioners have joined the investigation.

Learned State counsel on instructions from ASI Rajesh has not disputed the aforesaid fact of joining of investigation by the petitioners and submits that their custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioners have joined the investigation and their custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 24.08.2022 passed by the Co-ordinate Bench of this Court is made absolute.

However, the petitioners shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioners fails to comply with any of the directions made above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioners.

The petition is accordingly disposed of.

22.03.2023
Amandeep

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No