

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

CRM-M No.37759 of 2023

Date of decision: 14th November, 2023

Darshan Singh & others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Dushant Jog, Advocate for
Mr. Harmandeep Singh, Advocate for the petitioners.
Mr. Mohit Kapoor, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.72 dated 28.06.2023 under Sections 379/427/506 of the IPC registered at Police Station Urban Estate Patiala, District Patiala.

2. On the last date of hearing, i.e. 03.08.2023, while noticing the following submissions made by learned counsel for the petitioners, this Court had granted the concession of interim bail to the petitioners and asked them to join investigation.

“Learned counsel for the petitioners inter alia contends that it was a matter of record that the parties were embroiled in a civil litigation and an order of injunction had been passed against the complainant in the civil suit which was pending between them. He submits that it was thereafter with an ulterior motive a

false and fabricated case had been foisted upon not only the petitioners but their entire family of having committed a theft of 4000 bricks, iron wires, cement pickets, etc. from his plot of land qua which a civil suit already stands filed. He submits that the petitioners are not involved in any other case much less a case of similar nature. He further submits that the petitioners are ready to join investigation and cooperate with the investigating agency.”

3. Learned counsel for the petitioners submits that in compliance of the order dated 03.08.2023, the petitioners have joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioners having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioners are not required for further investigation much less for their custodial interrogation.

5. In the circumstances, the petition is allowed and the interim order dated 03.08.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the bail granted to them.

(MANJARI NEHRU KAUL)
JUDGE

November 14, 2023

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No