

2023:PHHC:081166

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

**Date of Decision: 02.06.2023
CRM-M-39664-2022**

**SOMNATH AND ANOTHER ... PETITIONERS
VS.
STATE OF PUNJAB .. RESPONDENT**

CRM-M-50183-2022

**DURGESH AND ANR. ... PETITIONERS
VS.
STATE OF PUNJAB .. RESPONDENT**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. G.S.Sandhu, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

1. On 20.02.2023, the following order was passed:-

“Status report of by way of affidavit of Gurdev Singh, PPS, Assistant Commissioner of Police (East), Ludhaina on behalf of the respondent-State in CRM-M-39664-2022 has been filed and the same is taken on record.

Petitioners are seeking anticipatory bail in the case bearing FIR No.176 dated 31.08.2021, under Sections 323/452/148/149 IPC, (Section 325 IPC added later on) registered at Police Station Tibba, Ludhiana.

Learned counsel for the petitioner(s) contend that it is a case of version and cross-version. The injuries have been allegedly caused by blunt weapons and the offence under Section 325 IPC has been added later on. A cross-version has also been registered at the instance of Ajay Mishra, coaccused as three persons from the petitioners' side had suffered injury. As per the allegations against the petitioners, four persons namely, Mukesh Kumar, Sandeep, Tuni Ram and Anil Kumar had sustained injuries. The injured have been discharged from hospital. There is a delay in lodging the DDR at the instance of the petitioners' side as at the earlier instance, a compromise was effected between the parties. The three co-accused have been granted interim anticipatory bail by the Co-ordinate Bench of this Court.

Adjourned to 24.05.2023.

Meanwhile, it is directed that in the event of arrest, the petitioners be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that they join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.

Photocopy of this order be placed on the file of other connected case.”

2. Learned counsel for the petitioners contends that in pursuance of interim directions issued by this Court, the petitioners have joined the investigation.

3. Learned State counsel, on instructions from ASI Kulwinder Singh, has not disputed the aforesaid factual aspect and further submits that custodial interrogation of the petitioners is not required.

4. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioners. Accordingly, order dated 20.02.2023, vide which the petitioners have been granted interim bail, is made absolute.

5. Both the petition are allowed.

02.06.2023

smriti

(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No