

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-39826-2023 (O&M)

Date of Decision: 20.11.2023

Makhan Singh and Another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Durga Dutt Sharma, Advocate for the petitioners.

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioners in FIR No.133 dated 29.12.2021 under Sections 333, 353, 354, 186, 148, 149 of the Indian Penal Code, 1860 and Section 25 of Arms Act registered at Police Station Tapa Mandi District Barnala.

2. On 24.08.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioners in FIR No.133 dated 29.12.2021 under Sections 333, 353, 354, 186, 148, 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act registered at Police Station Tapa Mandi, District Barnala.

Learned counsel for the petitioners seeks permission to

withdraw the present petition qua petitioner No.2 to file afresh with better particulars. The petition is accordingly dismissed as withdrawn qua petitioner no.2 with the liberty as aforesaid. Qua petitioner No.1, the learned counsel for the petitioner would contend that the similarly situated co-accused Gurmukh Singh has been granted anticipatory bail vide order dated 03.08.2022 passed in CRM-M-5646-2022 and two other co-accused, namely, Master Lachman Singh Sahota and Gurpreet Singh have also been granted anticipatory bail vide a common order dated 03.03.2022 passed in CRM-M-7849-2022 and CRM-M-4309-2022, respectively. Learned counsel for the petitioner would contend that the petitioner is similarly situated and that he was not even present at the time of the incident and further that the only attribution to the petitioner is that he had instigated the mob of about 100-150 people to attack the police team and the civil administration officials resulting in injuries to the complainant as well as simple injuries to the police personnel. It is further the contention that the petitioner has clean antecedents and he has been roped in with the connivance of some influential people.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on

behalf of respondent-State of Punjab.

Learned State counsel, on instructions from ASI-Gola Singh, has stated that injuries were received by three police officials and that the complainant suffered a grievous injury on the nose. However, he is not in a position to deny that the similarly situated co-accused have been granted anticipatory bail by this Court. The learned counsel for the State is also not in a position to deny that the only attribution to the petitioner is that he was one of the persons who had instigated the mob to attack the police team.

List on 20.11.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the petitioners would contend that pursuant to the said order, the petitioners have joined investigation and have fully cooperated.

4. Learned counsel for the State, on instructions from ASI Bhola Singh has stated that the petitioners have since joined investigation and have

fully cooperated and that they are no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 24.08.2023 is made absolute. The petitioners shall, however, join investigation as and when called. The petitioners shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

20.11.2023*Deepak Patwal***(ALKA SARIN)****JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No