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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.46928 of 2023 (O&M)

Date of Decision: 18.12.2023

Balraj Singh and Another

..... Petitioners

V/s.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.S. Maini, Advocate for
Ms. Harpreet Kaur, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Vivek Puri, J. (Oral)

1. On 12.10.2023, the following order was passed:

“1. The petitioners are seeking anticipatory bail in the case bearing FIR No.108 dated 22.10.2022 under Sections 452/354-B/427/323/34 IPC registered at Police Station Smalsar, District Moga.

2. Learned counsel for the petitioners contend that the allegations against the petitioners and the co-accused are to the effect that they have committed trespass in the house of the complainant, damaged the property and outraged the modesty of daughter-in-law of the complainant. The dispute has been amicably settled between the parties in terms of the compromise, Annexure P-2. Jaskaran Singh, co-accused, has been granted pre-arrest bail by the Court of Session. The petitioners were also granted interim bail by the Court of Session but they could not join the investigation on account of death of their uncle and confinement of the grand parents in hospital. Consequently, on account of non-joining of the investigation, the bail application was dismissed by the Court of Session. The petitioners undertake to join the investigation with a period of seven days.

3. Notice of motion.
 4. Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of the respondent-State.
 5. Adjourned to 18.12.2023.
 6. In the meanwhile, the petitioners are directed to join investigation within a period of seven days and in the event of their arrest, they shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”
2. Learned counsel for the petitioners contends that in pursuance of the interim directions, the petitioner has joined investigation and on conclusion of the investigation, challan has also been presented.
3. Learned State counsel on instructions from ASI-Sukhwant has not disputed the aforesaid factual aspects and further submits that the 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 12.10.2023 vide which the petitioners have been granted interim bail is made absolute.
5. The present petition is allowed.

18th December, 2023

Sonia Puri

**(VIVEK PURI)
JUDGE**

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