

207

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

CRM-M-46604-2022

Date of Decision: 17.01.2023

AMRITPAL SINGH AND ANR

....Petitioners

Versus

STATE OF PUNJAB AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. A.S. Khaira, Advocate
for the petitioners.

Mr. Vinay Kumar Gupta, AAG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.0033 dated 15.04.2022 registered under Sections 307, 324, 323, 148 and 149 of Indian Penal code, registered at Police Station Taragarh, District Pathankot.

On 07.10.2022, the following order was passed by a co-ordinate Bench of this Court :-

“Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioners are seeking anticipatory bail in FIR No. 0033 dated 15.4.2022 registered at Police Station Taragarh, District Pathankot under Sections 307, 324, 323, 148 and 149 of IPC.

Learned counsel for the petitioners states that parties have resolved their dispute and compromise (Annexure P-2) has been reduced in writing.

Notice of motion.

Adjourned to 17.1.2023.

On the asking of the Court Mr. Kirat Singh Sidhu, DAG, Punjab, accepts notice on behalf of the respondent-State.

On oral request made by counsel for the petitioners, Navneet Singh and Jeevan Singh are impleaded as respondents No. 3 and 4. Ms. Gagandeep Kaur, Advocate, puts in appearance on behalf of the respondents No. 3 and 4 and accepts notice on their behalf and states that compromise has been entered into between the complainants and present petitioners and she has no objection if concession of anticipatory bail is extended to the petitioners.

Petitioners are directed to appear before the Investigating Officer at Police Station Taragarh, District Pathankot on 14.10.2022 at 10:00 A.M. and join the investigation and would appear as and when summoned by the Investigating Officer. In the event of arrest, they shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. They shall also abide by the conditions as specified 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 Jaswinder Singh has not disputed the aforesaid fact of joining the 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 07.10.2022 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 petitioners fail to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail

granted to the petitioners.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

17.01.2023
Himani

(HARSH BUNGER)
JUDGE

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