

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CRM-M-44522-2023 (O&M)

Date of Decision : 01.12.2023

SWARAN SINGH AND OTHERS

.... Petitioners

VERSUS

STATE OF PUNJAB

.... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Raman Singla, Advocate for the petitioners.

Mr. Adhiraj Singh Thind, 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 Cross Version General Diary/Rapat No.19 dated 24.12.2022 under Sections 354/326/325/323/148/149 of the Indian Penal Code, 1860 in FIR No.442 of 18.12.2022 registered at Police Station Kotwai Kapurthala, District Kapurthala

2. On 06.09.2023 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 Cross Version General Diary/Rapat No.19 dated 24.12.2022 under Sections 354/326/325/323/148/149 of the Indian Penal Code, 1860 in FIR No.142 of 18.12.2022 registered at Police

Station Kotwai Kapurthala, District Kapurthala.

Learned counsel for the petitioners would contend that the grievous injury has not been attributed to the petitioners but to the co-accused Ramandeep Singh. It is further the contention that petitioner No.1 and petitioner No.6 have been attributed simple injuries to the husband of the complainant. The learned counsel would further contend that all the accused in the FIR registered by petitioner No.6 have since been granted the concession of anticipatory bail by this Court.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of respondent-State of Punjab.

Learned counsel for the State, on instructions from SI-Tarsem Singh, is not in a position to deny that grievous injury has been attributed to co-accused Ramandeep Singh and further that this is a case of version and cross-version and in the FIR all the accused have been granted the concession of anticipatory bail.

List on 01.12.2023.

Meanwhile, the petitioners are directed to join investigation as and when called for. In the event of arrest, the petitioners shall be admitted to interim bail on furnishing personal bonds with adequate surety to the

satisfaction of the Arresting Officer. The petitioners 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 Amarjit 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 06.09.2023 is made absolute. The petitioners shall, however, join investigation as and when called. The petitioner 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.

01.12.2023

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO*