

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-47713-2023 (O&M)
Date of decision: 20.11.2023

GURMEET SINGH AND OTHERS

....Petitioners

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Vishavjeet Singh Brar, Advocate for the petitioners.

Mr. Surender Singh, AAG Haryana.

Mr. Tejas Bansal, Advocate for the complainant.

SANJIV BERRY. J. (Oral)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioners seek anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
128	24.09.2019	323, 325, 307, 341, 506 IPC	Baragudha, District Sirsa

2. Learned counsel for the petitioners has submitted that in compliance to the order dated 06.10.2023 passed by this Court, the petitioners have appeared in the trial Court and furnished the requisite bail bonds and have also placed on record a copy of the order dated 06.11.2023 passed by learned Additional Sessions Judge (Duty), Sirsa in this regard and as such prays that the interim bail granted to the petitioners may be confirmed.

3. Learned counsel appearing on behalf of the complainant submits that

the petitioners were named in the FIR but were declared innocent during investigation and have been summoned on an application under Section 319 CrPC to face the trial.

4. Learned State counsel submits that the petitioners were declared innocent by the investigating agency and are not required for any interrogation at this stage. He has not disputed the fact that the petitioners have appeared in the trial Court and furnished their requisite bonds.

5. Heard.

6. After hearing the learned counsel for the parties and perusing the record, it transpires that during the course of proceedings on 21.09.2023, the following order was passed.

“Inter alia contends that after carrying out investigation in FIR in question, challan has already been presented. In the challan one person has been named as an accused while petitioners have not been arrayed as accused. Notwithstanding, complainant being dissatisfied with the charges, preferred an application under Section 319 Cr. P.C. and basis thereof, petitioners have now been summoned as additional accused, vide order dated 31.08.2023 (Annexure P-4). He contends that said order was passed without there being any additional evidence presented by the complainant.

Notice of motion.

Learned State counsel, on advance service of petition, accepts notice on behalf of respondent-State of Punjab and seeks time to file status report, including antecedents of the petitioner.

Post it on 20.11.2023.

Meanwhile, petitioners shall join investigation as and when required by the investigating agency and subject to their reporting to investigating officer within two weeks from today, no coercive steps qua arrest of the petitioners shall be taken. In

case, their arrest is required to be caused, petitioners shall be released on bail by Arresting Officer till the next date of hearing, on furnishing adequate personal bonds to his satisfaction. Petitioners shall also abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

7. Subsequently on 06.10.2023, the following order was passed.

“On a Court query, learned State counsel submits that during course of investigation, petitioners were declared innocent by the investigating agency and are not required for any interrogation at this stage.

In view thereof petitioners need not report to the Investigating Officer, they shall appear before learned trial Court pursuant to the summoning order dated 31.08.2023 where the trial is currently undergoing in FIR No.128 dated 24.09.2019 registered under Sections 307, 323, 325, 341, 506 of IPC.

On their causing appearance, they shall be admitted to interim bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned trial Court.

Application stands disposed of.”

8. As stated above, learned counsel for the petitioners has placed on record the copy of the order dated 06.11.2023, whereby in pursuance to the order dated 06.10.2023 passed by this Court, the petitioners have appeared in the trial Court and furnished the requisite bail bonds. Their custodial interrogation being not required and criminal liability if any of the petitioners to be determined only after the conclusion of trial, therefore, without commenting on the merits of the case, the interim bail granted to the petitioners vide order dated 06.10.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C.

Further the petitioners are directed to join investigation as and when required in

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future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioners; they will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

9. The petition stands allowed.

(SANJIV BERRY)
JUDGE

20.11.2023
S.Sharma(syr)

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