

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

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2023:PHHC:158768

CRM-M-51263-2023

Date of decision: December 12th, 2023

Bhagwan Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Narender Singh Kamboj, Advocate
for the petitioners.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.72 dated 25.08.2023 under Sections 325, 323, 34 of the IPC (Section 308 IPC added later on) registered at Police Station Hathur, District Ludhiana Rural.

Learned counsel for the petitioners, *inter alia*, contends that a false and fabricated case has been planted upon the petitioners for having injured two small children while the petitioners were pelting brick bats and stones at the complainant party. Learned counsel submits that the inordinate delay of three months in lodging the FIR lends credence to their false implication.

Learned counsel for the petitioners submits that in compliance of order dated 10.10.2023, the petitioners have joined investigation and cooperated with the investigating agency. Hence, the aforesaid order be made absolute.

Learned State counsel, on instructions from ASI

Sulakhan Singh, does not dispute the factum of the petitioners having joined investigation and cooperated with the investigating agency. He on further instructions submits that the petitioners are not required for further investigation much less for their custodial interrogation.

In view of the above, the petition is allowed and interim order dated 10.10.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

December 12th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

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