

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59898-2022 (O&M)
Date of Decision : 13.07.2023

Swaraj Singh and AnotherPetitioners

VERSUS

State of PunjabRespondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. P.S.Dhaliwal, Advocate for the petitioners.

Mr. Adhiraj Singh, AAG Punjab.

Mr. A.S.Barnala, Advocate for the complainant.

-.-

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.152 dated 09.12.2022 registered under Sections 452, 354-B, 323, 506, 34 of the Indian Penal Code, 1860 at Police Station Barnala, District Barnala.

2. On 21.12.2022 the following order was passed :

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioners in case FIR No.152, dated 09.12.2022, under Sections 452, 354-B, 323, 506, 34 IPC, registered at Police Station Barnala, District Barnala.

It has been contended by counsel for the petitioners that husband of the complainant, namely, Dalbir Singh, has entered into an agreement to sell with one Gurprem Singh, to which both the petitioners are the witnesses. He submits that after having been entered into an agreement, now Gurprem Singh has filed a civil suit against husband of the complainant, Dalbir Singh. He submits that in order to prevent the petitioners from deposing in the said suit in favour of Gurprem Singh and against husband of the complainant, they have been implicated in the present FIR clandestinely. He submits that allegations pertaining to outraging the modesty of the prosecutrix are false and frivolous. He further submits that petitioners have no criminal antecedents and thus, no case for their custodial interrogation is made out, however, they are ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers their request for granting the same.

Issue notice of motion for 17.04.2023.

Mr.A.S.Barnala, Advocate, who is present in Court, puts in appearance on behalf of the complainant and opposes the submissions made by counsel for the petitioners

On the asking of the Court, Ms. Ishma Randhawa, Additional Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and has affirmed the fact that petitioners have no criminal antecedents.

In the meanwhile, in the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation before the Investigating Agency/Officer. They shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-

“(i) That the petitioners shall make themselves available for interrogation by a police officer as and when required to do so;

(ii) That the petitioners shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) That the petitioners shall not leave India without prior permission of the Court.” State is

directed to file status report on or before the next date of hearing.”

3. Learned counsel for the petitioners would contend that the petitioners have since joined investigation and have fully cooperated.

4. Learned counsel for the State, on instructions from ASI Mohinder Singh, states that the petitioners have since joined investigation and are fully co-operating and that they are no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 21.12.2022 is made absolute. The petitioners shall, however, join investigation as and when called for. The petitioners 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.

July 13, 2023
tripti

(ALKA SARIN)
JUDGE

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