

206

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7222-2024 (O&M)
Date of Decision: 16.02.2024

SUKHDEV SINGH AND ANR
Vs.
STATE OF PUNJAB

.. Petitioners

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Gopal Singh Nahel, Advocate for the petitioners.

Mr. Adhiraj Singh Thind, AAG, Punjab.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR No.129 dated 29.07.2023 registered for offences punishable under Sections 376(2)(n) and 120-B IPC at Police Station Bhawanigarh, District Sangrur
2. On 12.02.2024, the following order was passed:-

“Apprehending their arrest in FIR No. 129 dated 29.07.2023 registered for offences punishable under Sections 376(2)(n), 120-B IPC at Police Station Bhawanigarh, District Sangrur; the petitioners have preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that petitioner No. 1 is aged about 60 years and petitioner No. 2 is aged about 63 years; the main accused-Parminder Singh already stands acquitted vide judgment dated 08.01.2024 passed by learned trial Court & the petitioners are willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Adjourned to 16.02.2024.

The petitioners are directed to appear before the Investigating Officer on 14.02.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal/surety

bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioners shall join the investigation. They shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from ASI Darshan Singh, has stated that pursuant to the order dated 12.02.2024, the petitioners have joined investigation and are no longer required for custodial interrogation.
4. In view of above, the petition is allowed and interim order dated 12.02.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. This order should not be treated as “blanket” order. It will not be interpreted as granting petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioners violate any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

16.02.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No