

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-12279-2023 (O&M)

Date of decision: 11.01.2024

Kanwaljit Singh and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Himmat Singh Deol, Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

Mr. Rahul Bhargava, Advocate
for respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.23 dated 13.02.2023 under Sections 323, 379-A, 427, 452, 506, 148, 149 of the IPC, registered at Police Station Chattiwind Amritsar.

2. Learned State counsel has not disputed the submissions made by learned counsel for the petitioners that in compliance of order dated 13.03.2023 the petitioners have joined investigation and cooperated with the investigating agency.

3. On a pointed query put to the learned State counsel as to whether the petitioners had been attributed any injury in the occurrence in question, he on instructions from ASI Harjinder Singh, has replied in the negative and has corroborated the submissions made by learned counsel for the petitioners before a Coordinate Bench of this Court

pursuant to which notice of motion was issued in the following terms:-

“Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case due to political rivalry. The only allegation qua the petitioners is that they were armed with Kirpans and Dang. No specific injury has been attributed to the petitioners. Nothing has been recovered from them. The petitioners are already ready and willing to join the investigation.”

4. Learned counsel appearing for respondent No.2-complainant has, however, opposed the prayer made for extending the concession of anticipatory bail to the petitioners in view of the fact that he has already moved a complaint seeking cancellation of bail to petitioner No.3 who put up a facebook post declaring that he had been acquitted in the case in hand.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. As conceded by learned State counsel, no injury has been attributed to the petitioners. As per instructions received by the learned State counsel, custodial interrogation of the petitioners is not required in the case in hand. This Court, in the facts and circumstances as enumerated hereinabove, deems it fit to extend the extraordinary concession of anticipatory bail to the petitioners.

7. In view of the above, the instnat petition is allowed and interim order dated 13.03.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case

the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the same.

11.01.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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