



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-13095-2024
Date of decision: 22.05.2024

RAJINDER SINGH @ RINKU BABA AND ANOTHER
....PETITIONERS

Versus

STATE OF PUNJAB
...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Ms. Apoorva Arya, Advocate
for the petitioners.

Mr. Ankit Grewal, DAG, Punjab.

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	Section	Police Station
13	20.02.2024	326, 323, 324, 148 and 149 of IPC	Sujanpur, District Pathankot.

2. Learned counsel for the petitioners submits that in compliance to the order dated 14.03.2024 passed by this Court, the petitioners have already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 14.03.2024.
3. Learned State counsel, on instructions from ASI Nirmaljit Singh intimates the Court that the petitioners have joined investigation and are neither required for further investigation nor for any custodial investigation.
4. During the course of hearing on 14.03.2024 , following order



was passed:

“ 1. Prayer in this petition filed under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail to the petitioners in case bearing FIR No.0013 dated 20.02.2024 (Annexure P-1), under Sections 148, 149, 323, 324 and 326 of the Indian Penal Code, 1860, registered at Police Station Sujanpur, District Pathankot.

2. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is submitted that no role or injury has been attributed to the petitioners. It is further submitted that the investigation has been conducted by the investigating agency, wherein the Medico Legal Report produced by the complainant, found to be false and it was also found in the investigation that no occurrence as alleged by the complainant has taken place. Learned counsel for the petitioners submits that there is an unexplained delay of three days in lodging the present FIR. Learned counsel for the petitioners contends that the bail applications under Section 438 of the Code of Criminal Procedure, filed on behalf of the petitioners before the Court of Additional Sessions Judge, Pathankot, have been wrongly declined vide order dated 02.03.2024 (Annexure P-2). It is submitted that the petitioners are not involved in any other case. It is submitted that the petitioners are ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

3. Notice of motion.

4. At the asking of Court, Mr. Harpreet Brar, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of respondent/State. He prays for an accommodation to seek instructions and file status report in the matter.

5. Learned counsel for the petitioners is directed to hand over a complete set of paper book of this case to learned State counsel during the course of the day.



6. *List on 22.05.2024.*

7. *In the meantime, the petitioners are directed to join the investigation and co-operate fully in the investigation process; and in the event of their arrest, they be released on interim bail, subject to their furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioners shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of the Code of Criminal Procedure. ”*

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioners had joined the investigation consequent to the order dated 14.03.2024 passed by this Court, interim bail granted vide order dated 14.03.2024 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 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.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

22.05.2024
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