

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-12912-2024
Date of decision: 08.05.2024

HIMMAT SINGH AND ANOTHER

....Petitioners.

Versus

STATE OF PUNJAB AND ANOTHER

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ankur Mehta, Advocate for
Mr. Amandeep Singh Manaise, 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, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
94	01.07.2023	323, 341, 365, 379-B, 379-B(2) & 411 of IPC and Section 25 and 27 of Arms Act	Shri Hargobindpur, Police District Batala, District Gurdaspur

2. Learned counsel for the petitioners has submitted that in compliance to the order dated 13.03.2024 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.

3. Learned State counsel, on instructions from ASI Avdesh, has intimated that the petitioners have joined investigation and are no more required for any custodial investigation in this case nor are required for further investigation.

4. Heard.

5. During the course of hearing on 13.03.2024, the 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.94 dated 01.07.2023 (Annexure P-1), under Sections 323, 341, 365, 379-B, 379-B(2) & 411 of the Indian Penal Code and Sections 25 & 27 of the Arms Act, registered at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur.

2. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case on the basis of disclosure statement of co-accused, namely Shamsher Singh. It is submitted that neither any role or injury has been attributed to the petitioners nor any direct evidence is available to connect them to the alleged occurrence. 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 District and Sessions Judge, Gurdaspur, have been wrongly declined. It is submitted that co-accused, namely Shamsher Singh @ Shera and Lovepreet Singh, have already been granted bails by a co-ordinate Bench of this Court vide separate judgments dated 21.02.2024 (Annexures P-3 and P-4) passed in CRM-M-59102-2023 and CRM-M-55863-2023, respectively.

Learned counsel for the petitioners contends that even otherwise, the matter has now been amicably settled between the parties concerned and Compromise Deed dated 26.07.2023 (Annexure P-2) has also been executed to that effect. 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. Ankit Grewal, Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of respondent No.1/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 08.05.2024.*

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. ”*

6. 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 13.03.2024 passed by this Court, interim bail granted vide order dated 13.03.2024 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.

7. The petition stands allowed.

08.05.2024
Kanika/joyti

(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |