

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

\*\*\*\*\*

206

CRM-M-14152-2024 (O&M)  
Date of Decision:19.04.2024

BOBBY MASIH ALIAS ROSIP SINGH AND ANR .....Petitioners

Vs.

STATE OF PUNJAB .....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amit Arora, Advocate  
for the petitioners.

Mr. Baljinder Singh, DAG, Punjab.

\*\*\*\*\*

DEEPAK GUPTA, J.(ORAL)

Mr. Lovish Rattan, Advocate has appeared and filed his vakalatnama on behalf of complainant and the same is taken on record.

On 19.03.2024, following order was passed:

*“The instant petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as ‘Cr.P.C.’) for grant of anticipatory bail to the petitioner in FIR No.275 dated 01.09.2021 under Sections 302, 323, 324, 427, 148, 149 of IPC, registered at Police Station Ajnala, District Amritsar Rural.*

*Learned counsel for the petitioners, inter alia, contends that no specific allegation has been levelled against the petitioners. It is further contended that the petitioners were stated to be armed with baseball bat, however, no injury is attributed to them. The similarly situated co-accused namely Swaran Masih @ Swaran Singh, Sona Masih @ Sonu Singh and Shalu Masih @ Jones Masih have already been granted the concession of anticipatory bail by the Coordinate Bench vide order dated 11.04.2023 passed in CRM-M10115-2022 and order dated 11.04.2023 passed in CRM-M-19530-2022, order dated 10.05.2023 passed in CRM-M-19055-2023, respectively. Even one another co-accused Happy Masih @ Harpreet Singh has also been granted anticipatory bail by this Court vide order dated 23.02.2024 passed in CRM-M3901-2024.*

*Notice of motion.*

*On asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioners.*

*Adjourned to 19.04.2024.*

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, petitioners are directed to appear before the Investigating Officer on or before 26.03.2024 and on their doing so or in the event of arrest, they will be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioners will cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

*If the Investigating/Arresting Officer does not permit the petitioners to join the investigation, the petitioners would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners in investigation, in terms of the order of this Court.*

*Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court. ”*

Today learned State counsel, on instructions submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 19.03.2024 is hereby made absolute, whereby petitioner was granted interim

anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

19.04.2024

pry

Whether Speaking/reasoned

Whether Reportable

Yes/No

Yes/No

( DEEPAK GUPTA )  
JUDGE