

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.14295 of 2023 (O&M)

Date of decision: 2nd April, 2024

Kashmir Singh @ Dogar & others

... Petitioners

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Naveen Bawa, Advocate for the petitioners.

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

Mr. Rahul Bhargava, Advocate
for the complainant/respondent No.2.

MANJARI NEHRU KAUL, J. (ORAL)

CRM No.48274 of 2023

The instant application has been filed for impleading the complainant as a respondent to the instant petition.

In view of the averments made in the application and in the interest of justice, the same is allowed and the complainant is allowed to be impleaded as respondent No.2 to this petition.

Amended memo of parties is taken on record.

CRM No.49496 of 2023

In view of the averments made in the application and in the interest of justice, the same is allowed as prayed for. Documents (Annexure R-9 to R-11) are taken on record.

CRM-M No.14295 of 2023 (O&M)

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

2. On 21.03.2023, while noticing the following submissions made by learned counsel for the petitioners, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioners and asked them to join investigation.

“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 Dangs. No specific injury has been attributed to the petitioners. Nothing has been recovered from them. Similarly placed co-accused Kanwaljit Singh and others have already been granted interim anticipatory bail by this Court vide order dated 13.03.2023 passed in CRM-M-12279-2023. The petitioners are already ready and willing to join the investigation.”

3. In compliance of the order dated 11.01.2024, learned State counsel has filed short reply by way of affidavit of Sukhjinder Pal Singh, PPS, DSP Sub Division, Attari, Amritsar Rural, today in the Court, which is taken on record subject to all just exceptions and a copy thereof supplied to learned counsel opposite. While drawing the attention of this Court to the aforesaid affidavit, it has been contended by the learned State counsel that an enquiry was carried out on receipt

of the complaint given by the respondent/complainant, however, no substance was found in the allegations levelled therein.

4. Learned counsel appearing for the respondent/complainant has, however, vehemently disputed the contents of the affidavit by drawing the attention of this Court to Annexure R-9, which are some photographs of the petitioner standing outside the residence of the complainant which have been captured in the CCTV camera installed in the vicinity. Learned counsel has asserted that in the CCTV footage, the petitioner is visible standing outside the residence of the complainant. He submits that the affidavit is completely silent with respect to the documentary evidence in the form of CCTV footage, which has been supplied to the Investigating Agency. On a pointed query put to the learned counsel for the complainant as to whether the petitioner and the complainant reside in the same vicinity, he has emphatically replied in the negative.

5. Learned State counsel, on instructions from ASI Harjinder Singh, has however, rebutted the submissions made by the learned counsel for the complainant. It has been submitted that during enquiry, enough documentary evidence including the very same CCTV footage, on which reliance has been placed by learned counsel for the complainant, was examined wherein it clearly stood reflected that the petitioner had come to the house of the complainant's neighbour, who happens to be his friend; the son of the complainant had come out of his house and without being intercepted by the petitioner had ridden

away from the spot. Learned State counsel, on instructions, has further submitted that in compliance of the order dated 21.03.2023, the petitioners have joined investigation and cooperated with the investigating agency. He, on further instructions, has submitted that the petitioners are not required for further investigation much less for their custodial interrogation.

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

7. In the facts and circumstances as enumerated hereinabove, since the petitioners have joined investigation in compliance of the order of this Court and are not required by the Investigating Agency for custodial interrogation, the petition is allowed and the interim order dated 21.03.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the bail granted to them.

(MANJARI NEHRU KAUL)
JUDGE

April 2, 2024
rps

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