

CRM-M-22893-2024 (O & M)

2024:PHHC:096254



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(212)

CRM-M-22893-2024 (O & M)
Date of decision: 30.07.2024

Ajab Singh @ Ajay Singh and ors. Petitioners
V/s

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ashok Kumar Khunger, Advocate, for the petitioners.
Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The petitioners seek the grant of anticipatory bail under Section 438 Cr.P.C. in a case bearing FIR No.0041 dated 18.04.2024 under Sections 323, 506, 379B, 34 IPC registered at Police Station Bahawala, District Fazilka.

On 08.05.2024, the following order was passed:-

“By way of present petition filed under Section 438 Cr.P.C., petitioners pray for grant of anticipatory bail in case FIR No.0041 dated 18.04.2024 registered under Sections 323, 506, 379B, 34 IPC at Police Station Bahawala, District Fazilka.

As per allegations, in an occurrence which allegedly took place on 25.03.2024, the petitioners occupying the car, surrounded the motor-cycle of the complainant Manjit Kumar, gave beatings to him, used casteist words and snatched cash amount, keys of the bike and his mobile phone. Circumstances were initially found to be suspicious. Necessary verification was done and it was found that allegations of snatching of car



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and use of casteist words were false. However, it was found that the bike and mobile had been snatched.

Seeking anticipatory bail, learned counsel for the petitioners has pointed out that both the parties belong to the same Village and that there was a money dispute; that motorcycle of the complainant is still lying parked in the Police Station. It is further contended that though the incident took place on 25.03.2024, but the FIR was lodged on 18.04.2024, i.e. after 24 days' delay and that petitioners are ready to join the investigation.

Notice of motion.

Mr. Amandeep Singh, DAG, Punjab, accepts notice on behalf of the respondent- State. Copy of the petition be supplied to him during course of the day.

Adjourned to 23.07.2024.

In the meantime, in case of their arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is further directed that the petitioners shall join the investigation as and when so required by the Investigating Officer. They shall not contact any person associated with the case to dissuade them from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. They shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Thereafter, on 23.07.2024, the following order was passed:-

“The State Counsel has filed Status report by way of affidavit dated 22.07.2024 of Mr. Sukhwinder Singh Brar, PPS, Deputy Superintendent of Police Abohar (Rural), District Fazilka in the Court today, which is taken on record. She



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further submits that recovery of the mobile phone is yet to be effected from the petitioners.

The Counsel for the petitioners assure the court that the mobile phone shall be handed over to the investigating agency.

List on 30.07.2024.

In the meanwhile, the petitioner is one again directed to join investigation on 25.07.2024.

Interim order to continue”.

The learned counsel for the petitioners contends that the petitioners have handed over a mobile phone to the investigating agency.

The learned counsel for the State, on the other hand, contends that though, a mobile phone has been handed over, the complainant has not identified the said mobile phone as his own.

Be that as it may, as the petitioners have joined investigation, their custodial interrogation is not required at this stage. Therefore, the interim order dated 08.05.2024 is made absolute.

However, the petitioners shall keep on joining the investigation as and when required to do so and they shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

July 30, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No