



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-25174-2024

Date of decision: 21.08.2024

KULBIR SINGH AND ANOTHER

...PETITIONER

Versus

STATE OF PUNJAB AND ANOTHER

...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. Umesh Aggarwal, 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 a complaint case i.e. COMI No.52 of 2021 filed on 20.12.2021 under Section 302, 34 of IPC titled '*Heera Singh Versus Raj Kaur @ Ranjit Kaur and others*' registered at P.S. Khilchian, pending before the Court of learned Judicial Magistrate Ist Class, Baba Bakala Sahib, Amritsar.

2. Learned counsel for the petitioners submits that in compliance to the order dated 04.07.2024 passed by this Court, the petitioner has put in appearance before the learned Judicial Magistrate Ist class, Baba Bakala Sahib, Amritsar, and furnished the requisite bail bonds and his custodial interrogation is not required. He has also placed on record the copy of order dated 11.07.2024 passed by the Court of learned Judicial Magistrate Ist class, Baba Bakala Sahib, Amritsar.

3. Learned State counsel has filed reply dated 20.08.2024 in the form of an affidavit of Deputy Superintendent of Police, Sub-Division



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Baba Bakala Sahib, Amritsar (Rural), which is taken on record. Copy thereof has been supplied to learned counsel for the petitioner and admitted the fact that the petitioner has already joined the proceedings before the trial Court.

4. Mr. G.S. Ghuman, Advocate, has put in appearance on behalf of respondent No.2 and filed power of attorney.

5. Heard.

6. From the perusal of the record and after considering the submissions made by counsel for the parties, it transpires that originally FIR No.126 dated 16.07.2020 registered under Section 304, 201 and 34 of IPC at P.S. Khilchian, District Amritsar Rural, wherein the police after investigation, has presented the challan against the petitioner and other co-accused. The challan has been presented under Section 304 of IPC, however, the respondent No.2-complainant had filed the complaint under Section 302 of IPC (Annexure P-8) titled '*Heera Singh Versus Raj Kaur @ Ranjit Kaur and others*' wherein the petitioners along with co-accused have been summoned to face trial vide order dated 08.02.2024 (Annexure P-9). In pursuance to the summoning order (Annexure P-9), the petitioners had filed the present petition seeking anticipatory bail.

7. During the course of hearing on 04.07.2024, following order was passed:

“2. Learned counsel for the petitioners, inter alia, contends that the petitioners have been falsely implicated in the present complaint case titled ‘Heera Singh Versus Raj Kaur @ Ranjit Kaur and others’ (Annexure P-8) wherein the petitioners have been summoned to face trial vide order dated



08.02.2024 (Annexure P-9) passed by learned Judicial Magistrate Ist Class, Baba Bakala Sahib, Amritsar. He contends that the instant complaint has been lodged on account of the death of Ravisher Singh @ Ravi son of the complainant qua which earlier FIR (Annexure P-1) was registered way back on 16.07.2020. He contends that the police had investigated the matter and arrested petitioner No.2- Raj Kaur alias Ranjit Kaur and has filed the challan only qua her. He further submits that although petitioner No.2 was also named in the FIR but he had been exonerated in the trial, qua the aforesaid FIR, which is already pending in the learned trial Court. In the meanwhile, the present complainant, after more than 01 year 05 months of the alleged occurrence, had filed the complaint (Annexure P-8) on the same cause of action, thereby, summoning the petitioners in the complaint to face the trial. Although the complainants are different but both the FIR (Annexure P-1) and complaint (Annexure P-8) pertain to the same cause of action. He submits that in the aforesaid FIR (Annexure P-1), on the same cause of action, petitioner No.2 had been arrested and granted concession of regular bail vide order dated 15.01.2021 (Annexure P-6) passed by learned Additional Sessions Judge, Amritsar whereas petitioner No.1 was granted concession of anticipatory bail by this Court in CRM-M-1487-2024 vide order dated 02.04.2024 (Annexure P-7). He contends that the petitioners, having already been granted concession of bail on the same allegations as have been levelled in the FIR (Annexure P-1), have been summoned in the instant complaint (Annexure P-8) and as such prayed for grant of anticipatory bail to the petitioners so as to enable them to join the proceedings in the aforesaid complaint case.

3. Notice of motion.



4. *On the asking of the Court, Mr. Siddarth Attri, AAG, Punjab, present in Court, accepts notice on behalf of the State-respondent No.1 and has not disputed the factual matrix. Learned State counsel, on instructions from ASI Rajwant Singh, submitted that both the petitioners were named in the FIR (Annexure P-1), however, the police had presented challan only qua petitioner No.2. He has also not disputed the factum of petitioner No.2 having been be granted regular bail and petitioner No.1 having been granted anticipatory bail in the present FIR and that the instant complaint is also qua the same cause of action as the FIR (Annexure P-1). He seeks time for filing short reply/status report.*

5. *Notice to respondent No.2 be issued for 21.08.2024.*

6. *Adjourned to 21.08.2024.*

7. *Needful be done well before the date fixed with an advance copy to the counsel opposite.*

8. *In the meanwhile, the petitioners are hereby directed to to appear before the trial Court/Duty Magistrate within 10 days from today and in the event of their arrest, they are ordered to be released on interim bail on their furnishing personal/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. ”*

8. In compliance to the order dated 04.07.2024, the petitioners had already appeared in the trial Court and furnished the requisite bail bonds as is evident from the copy of order dated 11.07.2024 passed by learned trial Court which is placed on record today and this fact is not disputed by learned State counsel and as well as counsel for the complainant appearing today. Since the petitioners have already put in appearance to face trial in the present complaint case and furnished the



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requisite bail bonds, therefore, the interim bail granted to the petitioner vide order dated 04.07.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is 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 petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

9. The petition stands allowed.
10. 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

21.08.2024
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- i)

Whether speaking/reasoned?

Yes/No
- ii)

Whether reportable?

Yes/No