



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-32974-2024

Date of Decision: 19.11.2024

Gurpreet Singh and others

...Petitioners

V/s

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. V.K. Sandhir, Advocate, for the petitioners.
Mr. Rajinder Singh Bhatta, DAG, Punjab.
Mr. C.S. Jattana, Advocate, for the complainant.

VIKRAM AGGARWAL, J (ORAL)

1. Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of pre-arrest bail in case FIR No.41 dated 02.06.2024, registered under Sections 308/452/323/148/149 and 325 IPC (with Section 325 IPC added subsequently in the FIR) at Police Station Joga, District Mansa.

2. On 15.07.2024, the following order was passed by a Coordinate Bench of this Court:-

“The prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.41 dated 02.06.2024 under Sections 308/452/323/148/149 and 325 IPC (325 IPC added later on) registered at Police Station Joga, District Mansa.

Learned counsel for the petitioners submits that FIR was lodged due to party faction and minor dispute occurred due to minor issue of distribution of juice to the voters. The injuries are blunt and on the non-vital parts. He further submits that petitioners were granted interim bail by learned Sessions Court vide order dated 06.06.2024 for offences punishable under Sections 308/452/323/148/149 IPC. The petitioners have joined the



investigation and cooperated in the investigation. Later on vide DDR No. 20 dated 20.06.2024, the offence under Section 325 IPC was added and vide order dated 05.07.2024, their application for bail was dismissed. He further submits that even the offence under Section 325 IPC is bailable and petitioners have not misused the concession of interim bail granted vide order dated 06.06.2024.

Notice of motion for 19.11.2024.

Mr. Daljeet Singh Virk, Advocate appears and accepts notice on behalf of the complainant. He has filed his power of attorney and the same is taken on record.

Ms. Manjot Kaur, AAG, Punjab appears and accepts notice on behalf of the respondent-State. She seeks some time to file status report. A copy of the paper book be supplied to her during the course of the day.

Learned State counsel submits that recovery of the weapons is yet to be effected from the petitioners. She further submits that injury caused is grievous in nature as per medical report of the doctor.

Keeping in view that the petitioners were earlier granted the concession of interim bail by learned Sessions Judge; they have already joined the investigation and after the addition of Section 325 IPC, their bail was dismissed, the petitioners are directed to join the investigation as and when called by SHO/Investigating Officer and in the event of their arrest, they shall be released on interim bail on their furnishing bail bonds and surety bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

(i) that the petitioners shall make themselves available for interrogation before the investigating officer as and when required:

(ii) that the petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioners shall not leave the country without prior permission of the Court concerned.

Status report be filed on or before the next date of hearing with an advance copy to the counsel opposite.”

3.

Status report by way of affidavit of Deputy Superintendent of



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Police, Sub-Division Mansa, District Mansa filed in Court today is taken on record.

4. Learned counsel for the petitioners submits that in compliance of the order dated 15.07.2024, the petitioners have joined investigation.

5. Learned counsel representing the State of Punjab, on instructions from ASI Vaidh Singh, who is present in the Court submits that in compliance of the order dated 15.07.2024, the petitioners have joined investigation and their custodial interrogation is not required.

6. In view of the statement given by learned counsel representing the State of Punjab, the present petition is allowed. The order dated 15.07.2024 passed by this Court is made absolute, subject to compliance of the provisions as envisaged under Section 438(2) Cr.P.C.

(VIKRAM AGGARWAL)
JUDGE

November 19, 2024

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