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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38437-2024 (O&M)
Date of decision: 09.09.2024

Shamsher Singh and others

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Divyansh Vats, Advocate for
Mr. H.S. Batth, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This is second petition filed under Section 438 of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) read with Section 482 Cr.P.C. and Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking anticipatory bail in FIR No.70 dated 29.05.2024 under Sections 380, 454, 354-B, 323, 120-B of the Indian Penal Code, 1860 (for short ‘IPC’), registered at Police Station Jhabal, District Tarn Taran
2. On 08.08.2024, the following order was passed:-

“This second petition is preferred under Section 438 of the

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Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') read with Section 482 Cr.P.C. and Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, seeking anticipatory bail in FIR No.70 dated 29.05.2024 under Sections 380, 454, 354-B, 323, 120-B of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Jhabal, District Tarn Taran.

The first petition i.e. CRM-M-37228-2024 filed by the petitioners seeking anticipatory bail was dismissed as withdrawn on 02.08.2024 with liberty to file a fresh petition, as a typographical mistake was crept in, in the head note of the said petition.

Learned counsel for the petitioners, inter alia, contends that and the petitioners and the complainant are closely related to each other and the alleged incident took place on 24.05.2024. However, FIR (supra) was registered on 29.05.2024 and there is no explanation for delay in reporting the matter to the jurisdictional police authorities, which creates a serious doubt, as the petitioners are close relatives of the complainant.

Notice of motion for 09.09.2024.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565, the petitioners are directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioners will be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and they will co-operate in the investigation.***

If the arresting officer does not permit the petitioners to join the investigation, they would appear before learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioners in the

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investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.”

3. Learned State counsel, on instructions from ASI Jitender Singh, at the very outset, informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 08.08.2024 is hereby made absolute. The petitioners shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.
5. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

09.09.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No