

CRM-M-39167-2024 (O&M)
Date of decision: 14.10.2024

...PETITIONER

V/S

...RESPONDENT

CRM-M-43523-2024 (O&M)
Date of decision: 14.10.2024

...PETITIONER

V/S

...RESPONDENT

Present: Mr. Vinay Kumar Begra, Advocate
for the petitioner(s).

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (ORAL)

1. Both these petitions are preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.'), seeking anticipatory bail to the petitioner(s) in FIR No.44 dated 23.05.2024 under Sections 452, 427, 506, 354-A, 148, 149 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sudhar, District Ludhiana.

2. On 09.09.2024, following order was passed:

“Both these petitions are preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’), seeking anticipatory bail in FIR No.44 dated 23.05.2024 under Sections 452, 427, 506, 354-A, 148, 149 of the Indian Penal Code, 1860 (for short ‘IPC’), registered at Police Station Sudhar, District Ludhiana.

Learned counsel for the petitioners, inter alia, contends that petitioners Gursewak Singh @ Kamal and Lovepreet Singh @ Ravi have been falsely implicated in the present case and



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there is a delay of 03 days in registration of FIR (supra) and role attributed to them is the same that of coaccused Mangal Singh @ Manga, who has been granted the concession of anticipatory bail by this Court vide order of even date passed in CRM-M38217-2024 and specific allegations with regard to molestation of daughter of the complainant are against co-accused Rajwinder Singh @ Googna.

Adjourned to 14.10.2024.

*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 shall 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 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.

Photocopy of this order be placed on the file of connected case."

3. Learned State counsel on instructions from ASI Zorawar Singh, submits that in compliance of order dated 09.09.2024 passed by this Court, petitioner-Lovepreet Singh @ Ravi has joined the investigation and is not required for further custodial interrogation. However, petitioner-Gursewak Singh @ Kamal has not joined the investigation and he may be again directed to join the investigation.

4. Faced with the above, learned counsel for the petitioner(s), seeks one more opportunity for the petitioner-Gursewak Singh to join the investigation.
5. Keeping in view the statement made by learned State Counsel, the order dated 09.09.2024, is made absolute. The petitioner-Gursewak Singh @ Kamal is again directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. The petitioners shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
6. Needless to say that if the petitioner-Gursewak Singh @ Kamal fails to comply with this order, the anticipatory bail granted to him, shall be deemed to have been automatically cancelled.
7. The petitions are accordingly disposed of.

October 14, 2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No