

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

211

Criminal Misc. No. M-46620 of 2023

Date of decision :-15.02.2024

Ram Singh alias Kala and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Palvi, Advocate for
Mr. Ishan Gupta, Advocate
for the petitioners.

Ms. Aakanksha Gupta, AAG, Punjab.

NIDHI GUPTA J. (Oral)

The petitioners are seeking anticipatory bail in FIR No.73 dated 28.5.2023 (Annexure P-1) under Sections 363 and 366-A IPC (Section 120-B IPC added subsequently), registered at Police Station Sadar, Sri Muktsar Sahib.

On 02.11.2023, the co-ordinate Bench of this Court had passed the following order :-

“The petitioners herein seek the relief of anticipatory bail in the criminal case arisen out of the FIR bearing No.73 dated 28.05.2023 registered at Police Station Sadar Sri Muktsar Sahib, under Sections 363 and 366-A IPC (wherein the offence under Section 120-B IPC is stated to have been added later-on).

Learned counsel for the petitioners, inter-alia, contends that both the petitioners had no role to play in the alleged crime but they have been got falsely implicated

in the criminal case under reference merely for the reason that they happen to be the real brothers of their co-accused named Mangal Singh and even the prosecutrix has not levelled any allegation against them in her statement as recorded under Section 164 Cr.P.C and moreover, they (petitioners) are ready and willing to join in the investigation as and when required by the Investigating Agency and are also not involved in any other criminal case.

Notice of motion.

Mr. Jashandeep Singh, learned Assistant Advocate General, Punjab, who has appeared in this case in pursuance of the copy of the present petition having been sent to the respondent-State in advance, accepts the notice and he seeks some time to get proper and complete instructions qua the instant matter from the quarter concerned and if deemed necessary, then to file the Status-Report also.

Adjourned to 15.02.2024.

Meanwhile, the petitioners shall join in the investigation on 16.11.2023 at 10:00 AM sharp and if there need be, even thereafter and in the event of their arrest, they shall be released on interim bail subject to their furnishing the requisite personal and surety bonds to the satisfaction of the Arresting/Investigating Officer and they shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C. ”

Learned State counsel, on instructions, states that in terms of the order passed by this Court, reproduced above, the petitioners have joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 02.11.2023 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join the investigation and cooperate with the investigating agency in case they are required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 15, 2024
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No