



CRM-M-45532-2024

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

103-1

CRM-M-45532-2024

Date of Decision : October 29, 2024

SHAM LAL ALIAS RANJHI AND ANR

-PETITIONERS

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gulshan Sharma, Advocate
for the petitioners.

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. On 13.09.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., prayer is made for grant of anticipatory bail to the petitioners, in case FIR No.208 dated 24.10.2015, under Sections 326, 323, 324, 342, 149 of the IPC, registered at P.S. City Ferozepur, District Ferozepur.

2. The learned counsel for the petitioners, by placing reliance upon the order dated 10.09.2021 (Annexure P-7), whereby, petitioners' co-accused Babbu, has been granted the concession of anticipatory bail by a Co-ordinate Bench of this Court, submits that since the petitioners are on a co-equal pedestal as their co-accused (supra), therefore, they also deserves an alike relief.

3. Upon a specific query being posed by this Court as to whether the petitioners have been declared “Proclaimed Offenders”, their counsel responded in negative. Since the present FIR was registered way back in 2015, therefore, this Court posed another query to the learned counsel for the petitioners as to what was the reason for not filing an anticipatory bail petition earlier, to which the latter



responded that, for want of report of the medical board constituted by order of this Court in a different matter, the investigation of the present FIR was not progressing, and, the said report has now been received.

4. Notice of motion.

5. Mr. Pardeep Bajaj, D.A.G., Punjab, waives service of notice on behalf of the respondent-State, and, he is directed to file a reply, detailing therein the complete details of investigation and the incriminatory material, if any, collected upto now by the investigating agency against the petitioners.

6. List on 30.09.2024, along with CRM-M-40215-2015.

7. In the meantime, no coercive action shall be taken against the petitioners.”

2. Thereafter, on 30.09.2024, this Court had passed the following order:-

“Reply, dated 28.09.2024, by way of an affidavit of Sh. Sukhwinder Singh, DSP, Sub Division City, Ferozepur, has been filed, by the learned State counsel today in Court, which is taken on record, with a copy thereof supplied to learned counsel for the petitioners, who seeks time to go through the same and address arguments.

Adjourned to 29.10.2024.

In the meantime, the petitioners are directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of their arrest, they shall be admitted to interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 482(2) B.N.S.S., 2023.

To be shown in the urgent list.”

3. Today, the learned State counsel has, on instructions imparted to him by A.S.I. Darshan Lal, stated that pursuant to the making of the hereinabove reproduced order, the petitioners had joined investigation and they are no longer required for further custodial interrogation.



4. In view of the above, the hereinabove reproduced interim orders are hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioners shall not commit an offence similar to the present offence;
- (ii) the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioners shall make themselves available for interrogation by a police officer as and when required.”

5. This order should not be treated as “blanket” order. It will not be read granting petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

October 29, 2024
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(KULDEEP TIWARI)
JUDGE

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