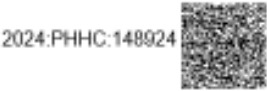


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218



CRM-M-47822 of 2024 (O&M)

DECIDED ON:14th November, 2024

Wazir Singh and others
.....PETITIONERS
VERSUS
State of Punjab
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE **SANJIV BERRY**

Present: Mr. Nitin Meel, Advocate for the petitioners.
Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the
petitioners seek anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
95	8.7.2023	307, 324, 323, 506, 148, 149 read with Section 34 IPC, 1860	Mamdot, District Ferozepur

2. Learned counsel for the petitioners has placed on record copies of orders dated 28.10.2024 and 30.10.2024 passed by the learned Additional Sessions Judge, (Fast Track Court, exclusively dealing with rape cases), Ferozepur, to submits that the petitioners have appeared before the trial Court in compliance with the order dated 22.10.2024 and have been admitted to interim bail by the learned trial Court.

3. Learned State counsel is not disputing this aspect qua petitioners- Kartar Singh and Lakhwinder Singh having surrendered and granted interim bail vide order dated 28.10.2024 by learned trial Court and petitioners-Wazir Singh and Mahindo @ Chhindo Bibi @ Sukhwinder Kaur having surrendered and granted interim bail vide order dated 30.10.2024.

4 During the course of hearing on 22.10.2024, following order has been passed:

‘Status report dated 17.10.2024 in the form of an affidavit of Deputy Superintendent of Police (Rural), Ferozepur, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. *After hearing the submissions from both the sides, it transpires that the petitioners along with 03 other accused were nominated in the FIR dated 08.07.2023 (Annexure P-1). After completion of investigation, challan was presented against the 03 co-accused whereas the petitioners were found innocent. To this fact, there is specific reply submitted by the concerned Deputy Superintendent of Police that the petitioners were declared innocent vide specific zimni dated 18.08.2023 by SI/SHO P.S. Mamdot. Subsequently, during the course of trial on the application under Section 319 Cr.P.C. having been moved, the petitioners were summoned to face trial as additional accused. Since, during the course of investigation the petitioners were found to be innocent, therefore, their custodial interrogation will not be required once the challan has already been presented in Court.*

3. *At this stage, without commenting on the merits of the case, the petitioners are directed to join the trial by appearing before the learned Trial Court within 10 days from today and in the event of their arrest the petitioners are ordered to be released on interim bail on their furnishing personal/surety bonds to the satisfaction of the concerned Court.*

4. *List on 14.11.2024.’*

5. After hearing learned counsel for the petitioners and learned State counsel it transpires that in compliance with order dated 22.10.2024, passed by this Court (supra), the petitioners have surrendered on 28.10.2024 and 30.10.2024 before the learned trial Court and were admitted to interim bail as is evident from the copies of the orders placed on record today. Petitioners aforesaid who were declared innocent by the police while presenting challan, however, they were made to face trial under Section 319 Cr.P.C., their custodial interrogation is not required. Moreover in compliance with the order dated 22.10.2024, they have already put in appearance and have been admitted to interim bail.

6. Under these circumstances, without commenting anything on the merits of the case, the interim bail granted to the petitioners vide order dated 22.10.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita 2023 (BNSS). Further the petitioner are directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioners; they will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

14th November, 2024
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Whether speaking/reasoned	Yes
Whether reportable	No