

2024:PHHC:017705

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

205

**CRM-M-52139-2023
Date of Decision : 08.02.2024**

SATPAL SINGH ALIAS SATTA AND ANR.

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.Amandeep Singh Manaise, Advocate,
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. On 17.11.2023, the following order was passed by this
Court:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioners have sought the concession of anticipatory bail, in case FIR No.66 dated 17.11.2015, under Sections 326, 324, 323, 148, 149 of the IPC, registered at P.S. Dera Baba Nanak, Police District Batala, District Gurdaspur.

2. The allegations against the petitioners are that they waylaid the complainant and inflicted injuries to him. The petitioner No.1 was alleged to be armed with a Datar, while the petitioner No.2 was alleged to be armed with a Kirpan. The complainant suffered total five injuries, out of which, three injuries were declared as grievous in nature.

3. This Court, on 13.10.2023, had passed the hereinafter extracted order:-

“1. Learned counsel for the petitioners submits that FIR is of 2015. The cancellation report filed on the basis of compromise was not accepted. He submits that since lodging of the FIR, there is no need of custodial interrogation of the petitioners.

2. Learned State Counsel on instructions from ASI Balbir Singh seeks time to have instructions to address the Court the basis for seeking custody of the petitioners and as to what steps were taken for last more than two years after the cancellation report was not accepted. At this stage, learned State Counsel on instructions submits that datar used in the incident in the year 2015 is to be recovered. He seeks time to file affidavit specifying as to whether the procedure as per Cr.P.C is being followed in this case or not ?

3. List on 17th November, 2023.

4. In the meantime, arrest of the petitioners are stayed.”

4. In compliance of the hereinabove extracted order, a short reply, through affidavit of Maninder Pal Singh, PPS, Deputy Superintendent of Police, Sub Division Dera Baba Nanak, Police District Batala, is filed by the learned State counsel today in the Court, which is taken on record.

5. The reply (supra) makes revelations that earlier the complainant had compromised the matter, whereupon, a cancellation report was filed, on the basis of said compromise, before the Illaqa Magistrate concerned. However, upon objection being raised by the complainant, the Magistrate concerned did not accept the cancellation report so filed, rather directed the police officials to carry out reinvestigation. The re-investigation, as initiated by the investigation agency, pursuant to the directions rendered by the Magistrate concerned, has made the petitioners apprehensive of them being arrested.

6. Considering the fact that the FIR dates back to 2015, besides the fact that the petitioners are not involved in any other criminal case, this Court deems it appropriate to, at this stage, grant the asked for relief.

7. Notice of motion for 08.02.2024.

8. Mr. Karunesh Kaushal, A.A.G, Punjab, accepts notice on behalf of State of Punjab.

9. In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

2. Learned State counsel, on instructions, submits that the petitioner has already joined the investigation in pursuance to the aforesaid order, and he has fully co-operated with the investigation process, and is no more required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is allowed, and order dated 17.11.2023 is, hereby, made absolute on the same terms and conditions.

February 08, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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