

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-57139-2023

Date of decision: 30.04.2024

Balwinder Singh and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Shivender Pal, Advocate
for the petitioners.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case IR No.138 dated 27.09.2023, under Sections 353, 186, 323 and 149 IPC, registered at Police Station Kot Ise Khan, District Moga.

2. On 28.11.2023, while noticing the following submissions made by the learned counsel for the petitioners, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioners and asked them to join investigation:-

“Learned counsel for the petitioners has argued that petitioners have been falsely implicated in the present case. It is submitted that proceedings are pending before the civil Court and on account of a decree of permanent injunction granted in another case at the instance of the father of the petitioners, namely, Leela Singh, the entire family of the petitioners has been implicated, to pressurize them to vacate the land in dispute before the civil Court. The petitioners’ family has been in possession of the same for the last more than 40 years and without having taken recourse to law, they are sought to be evicted by use of muscle power. It is submitted that above noticed suit against the Gram Panchayat was instituted on 20.09.2023

and the present FIR has been lodged on 27.09.2023. It is further submitted that the injuries alleged are simple in nature. The co-accused has already been granted the concession of interim anticipatory bail. The petitioners are ready to join investigation and cooperate with the investigating agency.”

3. Learned counsel for the petitioners submits that in compliance of order dated 28.11.2023, the petitioners have joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Nachattar Singh, does not dispute the factum of the petitioners having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioners are not required for further investigation much less for their custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 28.11.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

30.04.2024

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No