

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

CRM-M No.58710 of 2023

Date of decision: 20th February, 2024

Thomas & another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

Mr. Kushagra Mahajan, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners are seeking the concession of bail under Section 438 Cr.P.C. in case DDR No.24 dated 06.08.2023 under Sections 326, 336, 427, 324, 323, 160, 452, 148 and 149 IPC as well as in FIR No.113 dated 12.07.2023 under Sections 160, 336, 427, 148, 149 and 506 IPC registered at Police Station Majitha District Amritsar.

2. On the last date of hearing, i.e. 21.11.2023, while noticing the following submissions made by learned counsel for the petitioners, this Court had granted the concession of interim bail to the petitioners and asked them to join investigation.

“While drawing the attention of this Court to DDR (Annexure P-2) in question learned counsel for the petitioner inter alia contends that a perusal of the same reveals that the same has been registered after 26 days of the alleged occurrence. Learned counsel submits that

though the petitioners were named therein, however, as far as petitioner No.1 is concerned except his presence being shown at the place of occurrence, no other role much less any injury has been attributed to him; qua petitioner No.2, no doubt, he is named also but has been attributed a simple injury with a dang on the right hand of the father of the complainant. It has been further submitted that injury inviting the mischief of Section 326 IPC has not been attributed to either of them but to the co-accused William Masih.”

3. Learned counsel for the petitioners submits that in compliance of the order dated 21.11.2023, the petitioners have joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Harwant, 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 the circumstances, the petition is allowed and the interim order dated 21.11.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioners misuses the concession of bail granted to them, the State would be at liberty to seek cancellation of the bail granted to them.

(MANJARI NEHRU KAUL)
JUDGE

February 20, 2024
rps

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