

2024:PHHC:044768

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

209

**CRM-M-60990-2023
Date of decision: 03.04.2024**

Manpreet Singh alias Ladi and another

....Petitioners

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. P.S. Dhaliwal, Advocate for the petitioners.
Mr. Adhiraj Singh Thind, AAG, Punjab.
Mr. Paramjit Batta, Advocate for the complainant.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case bearing FIR No.130 dated 11.10.2023 registered for the offences punishable under Sections 323, 341, 506, 354, 34 of IPC, 1860 and Section 307 of IPC added later on, at Police Station Sadar Nihal Singh Wala, District Moga.

2. On 08.01.2024, the following order was passed:-

*“Apprehending their arrest in FIR No. 130 dated 11.10.2023 registered for offences punishable under Sections 323,341,506,354,34 IPC at Police Station Sadar Nihal Singh Wala, District Moga; the petitioners have preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.
Inter alia contends that the case in hand is of version and cross version; the incident took place on 9.10.2023 wherein only Section 323/341/506 IPC were invoked against the petitioners and subsequently Section 307 IPC was added on 23.11.2023 &*

the petitioners are willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Mr. Paramjit Batta, Advocate appears and files vakalatnama for the complainant. The same be taken on record.

Adjourned to 14.02.2024.

The petitioners are directed to appear before the Investigating Officer on 12.01.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioners shall join the investigation. They shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. Thereafter, on 18.03.2024 when the matter had come up for hearing, learned counsel appearing for the complainant had argued that the petitioners are misusing the concession of interim anticipatory bail by threatening the complainant. As a result thereof, State was directed to furnish a status report.

4. A status report by way of affidavit of Sh. Paramjit Singh, PPS, Deputy Superintendent of Police, Sub-Division Nihal Singh Wala, District Moga has been filed in Court today. The same be kept on record. A copy thereof has been furnished to the learned counsel for the petitioner as also learned counsel for the complainant. Paragraph 6 of the above said report reads as under:

“6. That on the last date of hearing i.e. 18.03.2024, this Hon'ble Court passed the following order:-

"Learned counsel for the complainant submits that the petitioners are misusing the concession of interim anticipatory, bail granted to them by threatening the complainant. Learned State counsel is directed to file a status report regarding this aspect of the matter. Put up on 03.04.2024.

Interim order to continue till the next date of hearing only."

It is submitted that Smt. Sarabjit Kaur (wife of complainant of the FIR in question namely Thakar Singh) by submitting an application dated 06.03.2024, to the S.H.O., P.S. Nihal Singh Wala, requested for taking legal action against the accused of the FIR, alleging that there is danger to her life as well as the life of her husband Thakar Singh and other family members. It was alleged by the applicant Sarabjit Kaur that on 02.03.2024 at about 9.25AM, the accused came to Reval Marriage Palace, Bhagike on motor cycle (where her husband Thakar Singh is working) with deadly weapons but her husband was not present there and that had her husband been present there, the said accused would have attacked her husband. The applicant also produced footage of CCTV cameras installed in the marriage palace before the police. The S.H.O., P.S. Nihal Singh Wala conducted a deep and thorough enquiry into the matter. As per the enquiry report dated 29.03.2024, the allegations contained in the said application were found to be false. As per the CCTV footage, some unknown persons who came on motor cycle, stopped near the guard for a few seconds and thereafter, left the marriage palace. The unknown persons neither searched the complainant Thakar Singh nor gave any threat. There is no danger to the life of the complainant of the FIR and his family members as revealed during the enquiry."

5. Learned counsel for the State has submitted, on the strength of the above-said status report, that the petitioners have joined investigation and are not required for custodial interrogation. Further, it has been submitted by the learned State counsel, on instructions from S.I. Pritpal Singh, that the allegations of threatening raised by the complainant have not found to be substantiated.

6. In view of the above, the present petition is allowed and interim order dated 08.01.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
7. This order should not be treated as “blanket” order. It will not be read granting petitioner 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.
8. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
9. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

April 03, 2024
poonam

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

