

Date of Decision: 17.12.2024

...Respondent

Parveen Kumar
2024.12.18 11:44
I attest to the accuracy and
integrity of this document

petitioners. As such, the petitioners are entitled to anticipatory bail in view of the directions issued by the Hon'ble Supreme Court in Md. Asfak Alam v. State of Jharkhand and another 2023 (3) R.C.R(Criminal) 754. It is further contended that there is no possibility of the petitioners fleeing from justice and pre-trial detention would cause irreparable loss, mental agony, embarrassment and humiliation to the petitioner as well their entire family.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Mr. Abhishek Arora, Advocate and Mr. Rohit Mittal, Advocate put in appearance on behalf of the complainant and files memorandum of appearance in the Court today which is taken on record. He further vehemently opposes the grant of anticipatory bail to the petitioners on the ground that there are serious and specific allegations against them.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Arnesh Kumar v. State of Bihar (2014) 8 SCC 273, Arnab Manoranjan Goswami v. State of Maharashtra (2021) 2 SCC 427, Satender Kumar Antil v. CBI (2022)10 SCC 51, Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors. 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 SCC 565, at the first instance, the petitioners are directed to appear before the Investigating Officer within two weeks from today and on their doing so or in the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioners shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482 (2) of BNSS (earlier 438 (2) Cr.P.C.).

If the Investigating/Arresting Officer does not permit the petitioners to join the investigation, the petitioners would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioners in investigation, in terms of the order of this Court.

Adjourned to 17.12.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel, on instructions from ASI Baldev Singh, submits that in compliance of order dated 28.11.2024 passed by this Court, the petitioners have joined the investigation and are not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel, the order dated 28.11.2024, is made absolute. The petitioners shall abide by the terms and conditions enumerated in Section 438 (2) Cr.P.C./ (482(2)BNSS).
5. The petition is accordingly disposed of.
6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.
7. Pending miscellaneous application(s), if any, also stand(s) disposed of.

17.12.2024
Parveen kumar

(HARPREET SINGH BRAR)
JUDGE

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