



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
207

CRM-M-36726-2024
Decided on : 13.02.2025

Judge Singh and others . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Pawan Singh, Advocate for
Mr. Manu Loona, Advocate, for the petitioner(s).

Mr. Jasdeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. At the outset, learned State counsel has filed the reply dated 12.02.2025, by way of affidavit dated Jatinder Singh Gill, PPS, DSP, Sub-Division, Jalalabad, on behalf of the respondent – State, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioners.

2. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.), is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Judge Singh, Sewa Singh and Simlo Kaur @ Simro	95	15.06.2024	324, 323, 326, 34 of IPC (Section 326 IPC added lateron)	City Jalalabad	Fazilka



3. On 01.08.2024, following order was passed:-

“ The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioners in case registered against them vide FIR No.95 dated 15.06.2024 under Sections 324, 323, 326 and 34 IPC (Section 326 IPC added later on) at Police Station City Jalalabad, District Fazilka.

The learned counsel for the petitioners inter alia contends that the present FIR is an outcome of a matrimonial dispute. Petitioners No.1 and 2 have been attributed simple injuries whereas petitioner No.3 has not been attributed any injury. The injury attracting Section 326 IPC has been attributed to Harjinder Singh, the son of the petitioners No.2 and 3.

Notice of motion for 12.09.2024.

Mr. Harkanwar Jeet Singh, AAG, Punjab, present in the Court, accepts notice on behalf of the State.

In the meantime, the petitioners are directed to appear before the SHO/Investigating Officer to join investigation and in the event of their arrest, they shall be released on bail on their furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

(i) that the petitioners shall make themselves available for interrogation before the investigating officer as and when required;

(ii) that the petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade them from disclosing such facts to the Court or to any police officer;

(iii) that the petitioners shall not leave the country without prior permission of the Court and shall surrender their passport, if any.

Meanwhile, the State is directed to file an affidavit/reply as to the exact role of the petitioners and their co-accused alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

4. Learned counsel for the petitioners contends that, in compliance with the order dated 01.08.2024, passed by the Coordinate Bench of this Court, petitioners have joined the investigation and have fully co-operated, as the required articles/weapons have already been handed over.

However, he submits that once the main offence, for which the petitioners are seeking anticipatory bail under Section 326 of the IPC, has been addressed, the addition of some other offences should not warrant the withdrawal of the concession for investigation purposes. Moreover, in the present case, no specific role has been attributed to petitioners No.1 and 3,



while petitioner No.2 is only alleged to have made a 'lalkara'

5. On the other hand, learned State counsel does not dispute the fact that petitioners have already joined investigation. However, he is unable to explain any justifiable reason, warranting the custodial interrogation of the petitioners.

6. Heard learned counsel for the parties.

7. Since the petitioners have joined the investigation and since custodial interrogation is no more required, present petition is **allowed** and ad-interim order dated 01.08.2024, passed by the Coordinate Bench of this Court, is hereby made absolute.

However, petitioners shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

8. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 13, 2025

J.Ram

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