
(2010) 03 P&H CK 0292
In the Punjab And Haryana At Chandigarh

Bhupinder Singh and Harbhajan Singh	APPELLANT
Vs	
State of Punjab	RESPONDENT

Date of Decision : 12-03-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Penal Code, 1860 (IPC) — Section 34, 380, 447, 448, 457

Citation : (2010) 03 P&H CK 0292

Hon'ble Judges : Ram Chand Gupta, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ram Chand Gupta, J.—This order will dispose of both the aforementioned petitions bearing CrI.M. Nos. M 3448 and 5110 of 2010, filed by Bhupinder Singh and Harbhajan Singh respectively, u/s 438 Cr.P.C. for grant of anticipatory bail to them in case FIR No. 19, dated 30.1.2009, under Sections 447/448/457/380/34 IPC, registered at Police Station Dakha District Ludhiana.

2. I have heard learned Counsel for the parties and have gone through the whole record carefully.

3. This Court while issuing notice of motion on 5.2.2010, in CrI.M. No. M 3448 of 2010, passed the following order:

Argues that complainant is son of one of the brother of the present petitioner and that dispute between the parties is of civil in nature regarding property and the civil suit is also pending.

Notice of motion for 12.3.2010.

However, in the meantime, if the petitioner is arrested, he shall be released on interim bail by the Arresting Officer to his satisfaction subject to compliance of conditions specified u/s 438(2) Cr.P.C. The petitioner shall join the investigation as and when required by the Investigating Officer.

4. This Court while issuing notice of motion on 22.2.2010 in Crl.M. No. M 5110 of 2010, passed the following order:

Crl.M. No. 9 179 of 2010

Application is allowed subject to all just exceptions. Main case

Argues that similarly placed co-accused has already been granted concession of interim bail vide order dated 5.2.20 10 passed in Crl.M. No. M 3448 of 2010, Annexure P1.

Notice of motion for 12.3.2010.

However, petitioner is directed to join the investigation and in case he is arrested, he shall be released on interim bail by the Arresting Officer to his satisfaction subject to compliance of conditions specified u/s 438(2) Cr.P.C.

To be heard alongwith Crl.M. No. M 3448 of 2010.

5. It has been stated by learned Counsel for the petitioners that pursuant to the said orders, the petitioners have already joined the investigation and that they are no more required for any investigation.

6. It has been stated by learned State counsel as well that the petitioners have joined the investigation and that they are no more required for any custodial interrogation by the police.

7. There are no allegations on behalf of the State that petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

8. In view of these facts and without expressing any opinion on the merits of the case, both the aforementioned petitions are allowed and orders dated 5.2.2010 and 22.2.2010, granting interim bail to petitioners-Bhupinder Singh and Harbhajan Singh are, hereby confirmed subject to the compliance of conditions contained in Section 438(2) Cr.P.C.

9. The present petitions stand disposed of accordingly.