

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-14161 of 2015

Date of decision: July 23, 2015

Ajaib Singh & others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. G.S. Bhatia, Advocate for the petitioners.
Mr. Shilesh Gupta, Addl. Advocate General, Punjab.
Mr. Gautam Dutt, Amicus Curiae.
Mr. TPS Makkar, Advocate for the complainant.

Rajan Gupta, J.

This is a petition under Section 438 Cr.P.C. seeking pre-arrest in a case registered against the petitioners under Sections 148, 302, 307, 149 IPC at Police Station Moonak, District Sangrur, vide FIR No.105 dated 11.8.2014.

Aforesaid case was registered due to murder of Nirmal Singh. FIR was lodged on the complaint of one Narinder Pal Singh. He alleged that on 11.8.2014, complainant and Labh Singh were going to court at Moonak on their motor cycle to meet their Advocate. At about 11.30 A.M., they were going on road, when a Bolero car with six occupants came there. One of the accused namely, Kala Singh exhorted other accused to take revenge for murder of Jaswinder Singh. He thereafter, struck the Bolero car in the motor cycle of Nirmal Singh. Both Nirmal Singh and pillion rider fell down. Thereafter, Nirmal Singh was dragged for half kilometer by Bolero car. Complainant followed and witnessed the entire incident. After the vehicle stopped, accused alighted

from the same. They were armed with various weapons. Body of Nirmal Singh was pulled out from under the vehicle. After committing the crime, accused fled from the scene.

Learned counsel for the petitioners submits that in view of order dated 29.5.2015, petitioners have surrendered before the trial court and furnished bail bonds. This plea is not controverted by learned State counsel.

Plea was opposed by the State counsel as well as counsel for the complainant on the ground that allegations against the petitioners are very serious, thus, they do not deserve the concession of anticipatory bail.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

After investigation, investigating agency gave clean chit to four accused, who are petitioners herein. However, trial court found complicity of the petitioners and decided to summon them in exercise of powers under section 193 Cr.P.C. During the pendency of the petition, it was submitted before this court that petitioners are ready to face trial. They took the stand that a thorough investigation was conducted in the matter but petitioners were found innocent. They were asked to surrender before the trial court and furnish bail bonds. According to State counsel, petitioners have already appeared before the court below and furnished bail bonds to its satisfaction.

Undoubtedly, allegations against the petitioners are serious in nature but this court refrains from expressing any opinion on merits at this stage. In view of law laid down by this court in another case decided

today i.e. CRM-M-13285 of 2015 titled “Baljinder Singh and another Vs. State of Punjab”, I feel that petitioners deserve to be granted concession of pre-arrest bail. Thus, order dated 29.5.2015 is hereby made absolute, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

The petition stands allowed in aforesaid terms.

(RAJAN GUPTA)
JUDGE

July 23, 2015
'Rajpal'