

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

**Criminal Misc. No. M-1417 of 2015
Date of Decision: 26.3.2015**

Jagraj Singh and another

--Petitioners.

Vs.

State of Punjab

-Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. T.P.S.Tung, Advocate
for the petitioners.

Mr. K.D.Sachdeva, Additional A.G. Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioners seek pre-arrest bail in FIR 131 dated 25.11.2014 under Section 302/201/120-B IPC, registered at Police Station Raikot, Police District Ludhiana Rural.

Learned counsel for the petitioners submits that in compliance of the order dated 19.1.2015 passed by this Court, petitioners have joined the investigation. He further submits that there were no allegations against the petitioners under Section 302 IPC. They simply attended the cremation of the deceased, being co-villagers of the parents of the deceased. He also places reliance on order dated 13.2.2015 in CRM-M-44561 of 2014 (Shingara Singh Vs. State of Punjab), wherein Shingara Singh was granted anticipatory bail by this Court and the present petitioners are similarly situated with abovesaid Shingara Singh. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Nidhan Singh, Police Station Sadar Raikot, submits

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that there were serious allegations against the petitioners under Section 201/120-B IPC. He further submits that petitioners facilitated the main accused in committing the offence under Section 201 IPC. He concluded by submitting that case of the petitioners was not similar with Shingara Singh. He prays for dismissal of the petition.

Having heard the learned counsel for the parties and after careful perusal of record of the case, this Court is of the considered opinion that petitioners are similarly situated with Shingara Singh, who was granted anticipatory bail on 13.2.2015. Admittedly, no allegation was alleged against the petitioners in the impugned FIR qua offence under Section 302 IPC. Petitioners have also joined the investigation in compliance of the order dated 19.1.2015 passed by this Court. Report under Section 173 Cr.P.C. has already been presented to the court of competent jurisdiction. In this view of the matter, custodial interrogation of the petitioners is not required.

In view of the above, present petition is allowed and order dated 19.1.2015 is hereby made absolute, however, subject to conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

26.3.2015
AK Sharma