

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

CRM No.M-14214 of 2015 (O&M)

Date of Decision-21.07.2015

Manpreet Singh and another ... Petitioners

$$V_S$$

State of Punjab ... Respondent

2. CRM No.M-14213 of 2015

Date of Decision-21.07.2015

Randeep Singh @ Rana ... Petitioner

$$V_S$$

State of Punjab ... Respondent

CORAM:-HONBLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. A.S. Manaise, Advocate and
Mr. M.K. Dogra, Advocate for the petitioner(s).

Mr. Nikhil K.Chopra, DAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of CRM No.M-14214 of 2015 and CRM No.M-14213 of 2015 as both these connected petitions have been filed under Section 438 Cr.P.C praying for the anticipatory bail to the petitioners therein in case FIR No.93 dated 21.06.2014 under Sections 302/324/148/149 IPC and Sections 25/27/54/59 of Arms Act, registered at Police Station, Majitha, District Amritsar (Rural).

Counsel for the parties have been heard.

During the course of arguments, it has gone uncontroverted that the petitioners in both these connected petitions had been found to be

innocent during the course of investigation and as such had not been nominated as accused. However, upon an application having been filed by the prosecution under Section 319 of the Code of Criminal Procedure Code, vide a order dated 12.02.2015 passed by the learned Additional Sessions Judge Amritsar, the petitioners herein were summoned as additional accused.

While issuing notice of motion the following order was passed by this Court in CRM-M No.14214 of 2015 on 06.05.2015:-

“This is a petition under section 438 Cr.P.C seeking the benefit of pre-arrest bail to the petitioners in case FIR No.93 dated 21.6.2014 under Sections 302, 324, 148, 149 I.P.C and sections 25, 27, 54, 59 of Arms Act, registered at Police Station, Majitha, District Amritsar (Rural.)

Learned counsel appearing for the petitioners would submit that during the course of investigation the petitioners had been found to be innocent and had not been nominated as accused. However, it is in terms of order dated 12.2.2015 at Annexure P-3, passed by the learned Additional Sessions Judge, Amritsar that an application filed by the prosecution under Section 319 Cr.P.C has been allowed and the petitioners have been summoned as additional accused.

It has been argued that both the petitioners are ready and willing to join trial proceedings. In so far as the present petitioners are concerned, no injuries have been attributed to them, although, they were stated to be armed with gandasi and kirpan.

Notice of motion, returnable for 21.7.2015.

To be heard along with CRM No. M-14213 of 2015.

In the meantime, petitioners are directed to appear before the Trial Court within a period of one week from today and in the eventuality of doing so, they would be entitled to ad interim bail subject to satisfaction of the Trial Court.”

Likewise, notice of motion order carrying even date i.e.

06.05.2015 in CRM No.M-14213 of 2015 reads in the following terms.

“This is a petition under section 438 Cr.P.C seeking the benefit of pre-arrest bail to the petitioner in case FIR No.93 dated 21.6.2014 under Sections 302, 324, 148, 149 I.P.C and sections 25, 27, 54, 59 of Arms Act, registered at Police Station, Majitha, District Amritsar (Rural.)

Learned counsel appearing for the petitioner would submit that during the course of investigation the petitioner had been found to be innocent and had not been nominated as an accused. However, it is in terms of order dated 12.2.2015 at Annexure P-7, passed by the learned Additional Sessions Judge, Amritsar that an application filed by the prosecution under Section 319 Cr.P.C has been allowed and the petitioner has been summoned as an additional accused.

It has been argued that the petitioner is ready and willing to join trial proceedings. That apart, in the alleged occurrence stated to have taken place on 20.6.2014, Hardeep Singh had died of gun shot injury and the role attributed to the present petitioner was of having been armed with a datar and having inflicted a datar blow on the forehead of complainant Gurbir Singh.

Notice of motion, returnable for 21.7.2015.

In the meantime, petitioner is directed to appear before the Trial Court within a period of one week from today and in the eventuality of doing so, he would be entitled to ad interim bail subject to satisfaction of the Trial Court.”

Court has been apprised that in pursuance to the notice of motion order passed in both these connected petitions, the petitioners herein have duly appeared before the trial Court and have duly joined proceedings.

It would be apposite to take note that even as per the order dated 12.02.2015 passed by the learned Additional Sessions Judge, Amritsar in terms of which the application under Section 319 Cr.P.C. had been

allowed, insofar as Manpreet Singh and Ravisher Singh i.e petitioners in CRM M No.14214 of 2015, no injuries were attributed to them as per testimony of complainant Gurbir Singh/PW-1 although they were stated to be armed with *gandasis* and *kirpans*.

Insofar as Randeep Singh i.e. the petitioner in CRM No.M-14213 of 2015 is concerned, he was stated to have been armed with *datar* and as such having inflicted a *datar* blow on the forehead of the complainant Gurbir Singh.

Furthermore, in the alleged occurrence that took place on 20.06.2014 and in which Hardeep Singh has died of a gunshot injury, such fire arm injury has been attributed to Lovejeet Singh. No injury whatsoever has been attributed to the present petitioners on the person of deceased Gurdip Singh.

In the totality of circumstances prayer made in both these petitions deserve to be accepted.

Petitions are allowed. Order dated 06.05.2015 passed in both these petitions are made absolute.

Petitions disposed of.

(TEJINDER SINGH DHINDSA)

JUDGE

21.07.2015

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