

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

CRM No.M-14193 of 2015 (O&M)

Date of decision:21.07.2015

Surjit Kaur & another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.S. Bhinder, Advocate for the petitioners.

Mr. Nikhil K. Chopra, DAG, Punjab.

Mr. G.S. Chahal, Advocate for the complainant.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking the benefit of pre-arrest bail to the petitioners in case FIR No.40, dated 03.04.2015, under Sections 420/465/467/468/471/120-B IPC, registered at Police Station Dirba, District Sangrur.

While issuing notice of motion, the following order was passed by this court 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.40 dated 3.4.2015 under Sections 420, 465, 467, 468, 471, 120-B I.P.C registered at Police Station, Dirba, District Sangrur.

Counsel would submit that the allegations against the present petitioners are with regard to having acted in connivance with each other to get a sale deed executed in their favour by preparing false and fabricated documents to usurp the property of deceased Sher Singh.

It is inter alia contended that Sher Singh deceased was

the son of petitioner no.1 and in the capacity of surviving legal heir such property was to devolve upon petitioner no.1. That apart, counsel contends that the complainant namely Sant Kaur has already instituted a suit for declaration with respect to the same very property and as such, civil proceedings in the matter are already pending.

Notice of motion, returnable for 21.7.2015.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Satnam Singh has apprised the Court that the petitioners have since joined investigation.

That apart, counsel appearing for the complainant/Sant Kaur has not been able to rebut the observations contained in the notice of motion order.

Accordingly, the present petition is allowed. Order dated 06.05.2015 passed by this Court while issuing notice of motion is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

21.07.2015
harjeet

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

CRM No.M-14326 of 2015 (O&M)

Date of decision:21.07.2015

Gurpreet Singh & others

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Ramandeep, Advocate for
Mr. R.S. Bajaj, Advocate for the petitioners.

Mr. Nikhil K. Chopra, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking the benefit of pre-arrest bail to the petitioners in case FIR No.08, dated 13.01.2014, under Section 354-A IPC, registered at Police Station Sadar, Jalandhar.

While issuing notice of motion, the following order was passed by this court on 04.05.2015:

“The instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioners in case FIR No. 08, dated 13.01.2014, under Sections 354-A IPC, registered at Police Station Sadar, Jalandhar.

Counsel would contend that the petitioners had duly joined investigation and an enquiry was got conducted by the Assistant Commissioner of Police Cantonment, Jalandhar, where in statements of all concerned had been recorded and ultimately, the complaint lodged against the petitioners was found to be baseless. It is further contended that only upon the matter having been put to the District Attorney (Legal),

Jalandhar that the FIR had been registered. Further submissions of the counsel is that the petitioners are now apprehending arrest only on the basis that the investigating agency in the light of opinion rendered by the District Attorney (Legal), Jalandhar, is now filing the challan in this case.

Notice of motion, returnable for 21.07.2015.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C. ”

Learned State counsel upon instructions from HC Surinder Pal has apprised the Court that the petitioners have since joined investigation and even the challan has already been presented.

That apart, the observations contained in the notice of motion order have totally gone un rebutted.

Accordingly, the present petition is allowed. Order dated 04.05.2015 passed by this Court while issuing notice of motion is made absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

21.07.2015
harjeet

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

206

CRM Nos.M-19494 and M-19503 of 2015 (O&M)

Present:- Mr. Vivek K. Thakur, Advocate for the petitioner(s).

Mr. Nikhil K. Chopra, DAG, Punjab.

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List on 25.08.2015 along with CRM No.M-18569 of 2015.

Interim protection to continue till the next date of hearing.

A photocopy of this order be placed on the connected file of
this case.

21.07.2015
harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

209

CRM Nos.M-9711 and M-10916 of 2015 (O&M)

Present:- Mr. Rohit Rana, Advocate for
Mr. Kunal Dawar, Advocate and
Ms. Saumya Ahluwalia, Advocate for
Mr. P.S. Ahluwalia, Advocate for the petitioner(s).

Mr. Satish Saini, DAG, Haryana.

Mr. Karan Pathak, Advocate for the complainant.

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On request, adjourned to 17.08.2015.

A photocopy of this order be placed on the connected file of
this case.

21.07.2015
harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

CRM No.M-19507 of 2015 (O&M)

Date of decision:21.07.2015

Sarabjit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. M.S. Sidhu, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

The present petition has been filed under Section 438 Cr.P.C. seeking the benefit of pre-arrest bail to the petitioner in case FIR No.14, dated 25.01.2015, under Sections 406/420-120-B IPC, registered at Police Station Division No.2, Ludhiana.

While issuing notice of motion, the following order was passed by this Court on 09.06.2015:

“It is the contention of the counsel for the petitioner that there is no direct attribution with regard to the theft of the machinery of the factory situated in 581-B, Industrial Estate, Ludhiana qua the petitioner. He contends that the role, which has been attributed to the petitioner is only that by removing the three partners including the complainant, three other persons have been inducted, one of whom is the petitioner. Petitioner when came to know about this fact,retired himself from the partnership by letter dated 30.07.2014 (Annexure P-2). Thereafter the petitioner has served notice through counsel and thereafter a suit for rendition of account was filed. A civil suit has also been filed by the co-accused Ajay Shukla for

permanent injunction against the complainant-Harnek Singh and restraint order dated 11.09.2013 against the complainant has been passed by the Court. Counsel contends that the petitioner is ready and willing to join, participate and cooperate in the investigation.

Notice of motion for 21.07.2015.

Petitioner shall join the investigation as and when called for by the Investigating Officer. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of Investigating/Arresting Officer subject to the following conditions apart from others as specified under Section 438 (2) Cr.P.C.:-

- i) that he shall make himself available for interrogation by a police officer as and when required;*
- ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- iii) that he shall not leave India without the previous permission of the Court. ”*

Learned State counsel upon instructions from ASI Onkar Singh has apprised the Court that during the process of investigation, present petitioner, namely, Sarabjit Singh has been found to be innocent and as such, there would be no occasion for the petitioner to apprehend arrest.

Accordingly, the present petition is allowed. Order dated 09.06.2015 passed by this Court is absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

21.07.2015
harjeet

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

CRM No.M-21232 of 2015 (O&M)

Date of decision:21.07.2015

Ajay Shukla

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Liaqat Ali, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

The present petition has been filed under Section 438 Cr.P.C. seeking the benefit of pre-arrest bail to the petitioner in case FIR No.14, dated 25.01.2015, under Sections 406/420-120-B IPC, registered at Police Station Division No.2, Ludhiana.

On 06.07.2015, while issuing notice of motion, this Court had directed the petitioner to join investigation and had granted ad interim protection as regards arrest.

Learned State counsel upon instructions from ASI Onkar Singh would submit that even though the petitioner has joined investigation but still there are certain articles relating to the factory in question and in relation to which there were allegations of theft directed against the present petitioner and which are still to be recovered.

Be that as it may, it would be apposite to take note that there is a civil suit instituted by the present petitioner, namely, Ajay Shukla for permanent injunction against the complainant, Harnek Singh and in which a

restraint order dated 11.09.2013 was passed by the Court. Such restraint order reads in the following terms:

“Defendants are restrained from dispossessing the plaintiff or removing the assets of the firm illegally and forcibly.”

In the light of such peculiar facts and the petitioner having already joined investigation, his custodial interrogation would not be warranted.

Accordingly, the present petition is allowed. Order dated 06.07.2015 passed by this Court is absolute.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

21.07.2015
harjeet

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

210

CRM No.M-22456 of 2015 (O&M)

Sandeep @ Sahwag

vs.

State of Haryana

Present:- Dr. Anand Kumar Bishnoi, Advocate for the petitioner.

Mr. Satish Saini, DAG, Haryana.

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Adjourned to 27.07.2015.

To be listed along with CRM No.M-3644 of 2015.

21.07.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

211

CRM No.M-22568 of 2015 (O&M)

Ankit vs. State of Haryana

Present:- Mr. S.K. Yadav, Advocate for the petitioner.

 Mr. Satish Saini, DAG, Haryana.

 Mr. Jaivir Yadav, Advocate for the complainant.

 ...

 It has been apprised that the matter is now fixed before the trial
Court for 31.07.2015.

 Accordingly, hearing in the present petition is deferred to
04.08.2015.

 Prosecution would make every endeavor to have
complainant/Ajit examined before the trial Court on the date already fixed
i.e. 31.07.2015.

21.07.2015
harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

217

***CRM No.801 of 2015 in
CRR No.940 of 2010***

***Hardarshan Singh Sandhu vs. Mahindra & Mahindra Financial
Service Ltd.***

Present:- Mr. PKS Phoolka, Advocate for the applicant/petitioner.

Mr. Manu Loona, Advocate for
Mr. Nitin Thatai, Advocate for non-applicant/respondent.

...

Applicant/petitioner is stated to have superannuated in the year 2014 while serving on the post of Junior Engineer with the Department of Punjab State Power Corporation.

Learned counsel appearing for the applicant has prayed for stay of conviction of the petitioner for offence under Section 138 of the Negotiable Instruments Act, 1881 by contending that on account of the conviction, the admissible retiral benefits have not been released and are held up.

Counsel prays for two weeks' time to place on record the relevant order/material to substantiate such assertion.

List on 04.09.2015.

21.07.2015
harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

248

***CRM No.20176 of 2015 in
CRA-S No.3122-SB of 2013***

Satbir ***vs.*** ***State of Haryana***

Present:- Mr. S.K. Garg Narwana, Sr. Advocate with
 Mr. Karan Garg, Advocate for the applicant/appellant.

 Mr. Satish Saini, DAG, Haryana.

 ...

 List on 18.08.2015.

 In the meanwhile, learned State counsel would verify the
factual position and current status as regards the terminal illness of Mrs.
Suman Devi wife of the applicant who is stated to be currently admitted at
Medanta Hospital, Gurgaon.

 The interim protection granted by this Court vide order dated
26.03.2015 in CRM No.5503 of 2015 shall continue till the next date of
hearing.

(TEJINDER SINGH DHINDSA)
JUDGE

21.07.2015
harjeet

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

208

***CM No.236-CII of 2015 in
COCF No.2050 of 2013***

B.K. Sachdeva & others vs. Ravneet Kaur & others

Present:- Mr. R.K. Bansal, Advocate for the applicant/petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

Mr. Sameer Sachdeva, Advocate for respondent No.4.

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By way of last opportunity, four weeks time is granted to
learned State counsel for filing reply on behalf of respondents No.1 & 2.

List on 17.09.2015.

Mr. Sameer Sachdeva, Advocate appearing for respondent No.4
also submits that a separate reply would be filed prior to the adjourned date.

**(TEJINDER SINGH DHINDSA)
JUDGE**

21.07.2015
harjeet

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

218

***CRM No.13363 of 2015 in
CRR No.1443 of 2015***

Satyawan vs. State of Haryana

Present:- Mr. Jitender Nara, Advocate for the applicant/petitioner.

Mr. Satish Saini, DAG, Haryana.

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On request, adjourned to 01.12.2015.

21.07.2015
harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

214

CRM-A-501-MA-2011 (O&M)

Chander Bhan vs. Partap & others

Present:- Mr. S.P. Chahar, Advocate for the petitioner.

Mr. Parveen Kumar, Advocate for
Mr. Rakesh Nehra, Advocate for respondents No.4 and 5.

...

On request made by counsel appearing for the petitioner,
adjourned to 20.11.2015.

21.07.2015
harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

CRM No.M-872 of 2015 (O&M)

Date of decision:21.07.2015

Sukhwinder Singh @ Vijay Saini

... Petitioner

vs.

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Mohd. Salim, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

Mr. C.L. Pawar, Advocate for respondents No.5 & 6.

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TEJINDER SINGH DHINDSA, J.

Counsel appearing for the petitioner would submit that in the light of the stand taken on behalf of the State in the reply filed by way of affidavit of the Deputy Superintendent of Police, (Head Quarter), Hoshiarpur, he would not be inclined to pursue the present petition.

Petition is dismissed as not pressed.

**(TEJINDER SINGH DHINDSA)
JUDGE**

21.07.2015
harjeet

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

215

CRM-A No.1039-MA of 2013 (O&M)

Partap Spintex Ltd.

vs.

M/s B.L. Export & another

Present:- Mr. S.K. Singla, Advocate for the petitioner.

None for the respondents.

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Hearing is deferred on account of non appearance of counsel
for respondents No.1 & 2.

List on _____.

**(TEJINDER SINGH DHINDSA)
JUDGE**

21.07.2015
harjeet

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

213

CRM-A-1145-MA-2010 (O&M)

Punjab State Co-op. Supply & Marketing Fed. Ltd.

vs.

M/s Balaji Trading Co. & others

Present:- Mr. Deepak Sabharwal, Advocate for the appellant.

Mr. Ravinder Singh, Advocate for

Mr. SPS Sidhu, Advocate for respondents No.2 and 3.

...

Learned counsel appearing for respondents No.2 & 3 prays for time to inspect the trial Court record that had been requisitioned in the light of order dated 28.11.2014 passed by this Court and has since been received.

On his request, adjourned to 19.11.2015.

**(TEJINDER SINGH DHINDSA)
JUDGE**

21.07.2015

harjeet

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

CRM No. M-22568 of 2015 (O&M)

Date of Decision: 21.07.2015

Ankit

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:-HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.K. Yadav, Advocate for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

Mr. Jai Vir Yadav, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J.

The instant petition has been filed under Section 439 Cr.P.C praying for grant of regular bail to the petitioner in case F.I.R. No. 658 dated 30.12.2014 under Sections 148, 149, 323, 307, 302 I.P.C and sections 25, 54, 59 of Arms Act, registered at Police Station, Mohindergarh, District Mahendergarh.

Learned counsel for the parties have been heard.

F.I.R was registered on the statement of Ajit son of Hanuman. The occurrence is stated to be of 30.12.2014 in which Kukku is stated to have suffered injuries and who thereafter succumbed to such injuries on 31.12.2014.

During the course of arguments, it has gone uncontroverted that name of the present petitioner did not even figure in the initial statement of Ajit on the basis of which F.I.R was registered. Thereafter, even a supplementary statement of Ajit was recorded on 4.1.2015 in which also

apart from having named the present petitioner, no specific role/injury was attributed to him and neither was he stated to have been armed with any kind of weapon.

Petitioner has been in custody since 1.1.2015. Dikshant Yadav, who is identically placed as the present petitioner and whose name also figured for the first time in the supplementary statement of Ajit recorded on 4.1.2015, has been granted the benefit of regular bail by this Court vide order dated 16.6.2015, passed in CRM No. M-19634 of 2015.

As such, keeping in view the totality of the circumstances and without expressing any opinion on the merits of the case, present petition is allowed and petitioner is directed to be enlarged on bail subject to satisfaction of the Trial Court/Duty Magistrate, Mahendergarh.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

21.07.2015
harjeet

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

212

**CRM No.16434 of 2015 in
CRA-S No.3561-SB-2013**

Arun Vs. State of Haryana

Present:- Mr. T.C. Dhanwal, Advocate for the applicant/appellant.

Mr. Satish Saini, DAG Haryana

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The instant application has been filed under Section 389 Cr.P.C seeking suspension of sentence of the applicant/appellant, Arun S/o Prem during pendency of the appeal and who has been convicted for offence under Sections 332/353/307/186/34 IPC and sentenced to undergo rigorous imprisonment for a period of six years.

As per custody certificate furnished by learned state counsel, the present applicant has already undergone a sentence period of 4 years, 3 months and 25 days as on 20.07.2015 including remissions out of the substantial sentence of six years.

The applicant has also been convicted on 11.09.2013 in FIR No.219 dated 05.04.2012 under Sections 364-A/384 IPC. Learned counsel for the applicant submits that the sentence awarded in FIR No.219 will start after the completion of sentence in FIR No.52 dated 05.04.2012.

The appeal is not likely to be heard in near future.

Hence, without expressing any opinion on the merits of the case and keeping in view the fact that the applicant has undergone major part of sentence, the application is allowed and the remaining sentence of the applicant-appellant is suspended during the pendency of the appeal, subject

**CRM No.16434 of 2015 in
CRA-S No.3561-SB-2013**

-2-

to his furnishing bail bonds to the satisfaction of Chief Judicial
Magistrate/Duty Magistrate, Bhiwani.

Application is disposed of.

**(TEJINDER SINGH DHINDSA)
JUDGE**

21.07.2015
harjeet

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

219

***CRM No.22287 of 2015 in
CRR No.422 of 2014***

Ashok Kumar Vs. State of Punjab

Present:- Mr. Vishal Handa, Advocate for the applicant/petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

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Notice in the application.

On the asking of the Court, Mr. Nikhil K. Chopra, learned Deputy Advocate General, Punjab accepts notice and a complete copy of the application has been furnished to learned State counsel in Court today.

List for arguments and final disposal on 06.08.2015.

21.07.2015
harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

219

***CRM No.14335 of 2015 in
CRR No.423 of 2014***

Ashok Kumar Vs. State of Punjab

Present:- Mr. Vishal Handa, Advocate for the applicant/petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

...

To be listed along with CRR No.422 of 2014 on 06.08.2015.

21.07.2015
harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

219

***CRM No.22373 of 2015 in
CRR No.424 of 2014***

Ashok Kumar Vs. State of Punjab

Present:- Mr. Vishal Handa, Advocate for the applicant/petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

...

To be listed along with CRR No.422 of 2014 on 06.08.2015.

21.07.2015
harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

219

***CRM No.22304 of 2015 in
CRR No.425 of 2014***

Ashok Kumar Vs. State of Punjab

Present:- Mr. Vishal Handa, Advocate for the applicant/petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

...

To be listed along with CRR No.422 of 2014 on 06.08.2015.

21.07.2015
harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

221

CRM No.M-9518 of 2015 (O&M)

Raj Kapoor Vs. State of Punjab & others

Present:- Mr. D.S. Gandhi, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

Mr. Jasraj Singh, Advocate for
Mr. P.S. Ahluwalia, Advocate for respondent No.2.

...

Reply on behalf of the State has been filed in Court today and
the same is taken on record. Copy thereof has been furnished to the counsel
for the petitioner.

List for consideration on 17.09.2015.

21.07.2015
harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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

216

CRR No.3784 of 2012 (O&M)

Savinder Kaur @ Chhibo

Vs.

State of Punjab

Present:- Mr. Saleem Malik, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

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On request made by counsel for the petitioner, adjourned to

08.10.2015.

21.07.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

**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 gandas 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

harjeet

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

CRM No.M-14213 of 2015 (O&M)

Date of Decision-21.07.2015

Randeep Singh @ Rana

... Petitioner

Vs

State of Punjab

... Respondent

CORAM:-HONBLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. M.K. Dogra, Advocate for the petitioner.

Mr. Nikhil K.Chopra, DAG, Punjab.

....

TEJINDER SINGH DHINDSA, J.

Petition disposed of in terms of order of even date i.e.

21.07.2015 passed in **CRM No.M-14214 of 2015 titled as Manpreet Singh
& another V. State of Punjab.**

21.07.2015
harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**