

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

CRM No. M-15487 of 2015 (O&M)

Date of Decision: 03.08.2015.

Gurpreet Singh

... Petitioner

Versus

State of Haryana

... Respondent

2.CRM No. M-18815 of 2015 (O&M)

Gopi Hundal

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Gulshan Mehta, Advocate and
Mr. Saurabh Bhardwaj, Advocate for the petitioner(s).

Mr. M.S. Sidhu, Additional Advocate General, Haryana.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of ***CRM No.M-15487 of 2015 titled as Gurpreet Singh v. State of Haryana*** and ***CRM No.M-18815 of 2015 titled as Gopi Hundal v. State of Haryana*** as the prayer made in both these connected petitions is for grant of anticipatory bail in case FIR No.85, dated 08.03.2015, under Sections 148/149/323/325/307/506 IPC, registered at Police Station Pehowa, District Kurukshetra.

While issuing notice of motion in CRM No.M-15487 of 2015 on 13.05.2015, the following order was passed by this Court:

*“The instant petition has been filed under section 438
Cr.P.C. seeking the concession of anticipatory bail to the*

petitioner in case FIR No.85 dated 08.03.2015, under Sections 148/149/323/325/307/506 IPC, registered at Police Station Pehowa, District Kurukshetra.

Counsel would submit that as per version of the complainant/injured/Rajiv Kumar, the occurrence took place on 06.03.2015 that he was attacked by a number of persons and even as per his version, it was co-accused Preet Virk and Pali Virk, who have given gandasi blows on his head and which in turn had attracted offence under Section 307 IPC.

It is the contention of the counsel that the petitioner has been falsely implicated and had been roped in by assuming his identity to be Gopi Tunda. It is submitted that even if such version is taken to be correct, the specific role attributed to Gopi Tunda was of having given a binda blow on the back of the complainant.

Notice of motion, returnable 03.08.2015.

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

Likewise, the notice of motion order dated 03.06.2015 in CRM No.M-18815 of 2015 reads in the following terms:

“It is contended that injury attracting Section 307 IPC is attributed to one Tarun Walia and Shivam Attri, who are in custody. The petitioner has been falsely implicated and is attributed with binda blow on the left hand of the complainant. It is further submitted that bail application of the co- accused is fixed for 03.08.2015.

Notice of motion for 03.08.2015.

In the event of his arrest, petitioner shall be released on interim bail by the Arresting/Investigating Officer to his satisfaction. He shall join investigation as and when called

upon by the Investigating Agency and he shall fully cooperate in the investigation of this case. The petitioner shall comply with the conditions stipulated in Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Dharam Pal would apprise the Court that the petitioners in these connected petitions have since joined investigation.

That apart, it has gone uncontroverted that co-accused, namely, Tarun Walia, Shivam Attri, Preet Virk and Pali Virk and against whom there were allegations of having given *gandasi* blows on the head of the injured/complainant, Rajiv Kumar and which in turn had attracted offence under Section 307 IPC have been granted the benefit of regular bail by the trial Court.

Under such circumstances, custodial interrogation of the petitioners in these two connected petitions would not be warranted.

Both the connected petitions are allowed. Order dated 13.05.2015 passed in CRM No.M-15487 of 2015 and order dated 03.06.2015 passed in CRM No.M-18815 of 2015 are made absolute.

Disposed of.

03.08.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**