

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

CRM-M-21859 of 2015

Date of Decision : 10.08.2015

Pargat Singh and another

..... Petitioners

Vs.

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE M.M.S.BEDI

Present :- Ms. Ishma Randhawa, Advocate,
for the petitioners.

Mr. Rahul Bhargava, Advocate,
for the complainant.

Mr. S.S. Chandumajra, DAG, Punjab.

M.M.S.BEDI, J.(ORAL)

This petition will dispose of an application for grant of pre-arrest bail to Pargat Singh and Karamjit Singh-petitioners No.1 and 2 in a case which was registered at the instance of Harpal Singh, brother of deceased Karanjaspal Singh. Petitioners having formed an unlawful assembly, had allegedly attacked the complainant and others and inflicted injuries with different weapons. The challan was presented on 09.10.2014 depicting the name of petitioners in column No.II. A perusal of the report under Section 173(2) Cr.P.C. indicates that other names were kept in column No.II for the reason that an enquiry by the Special Investigating Team was pending and they had not been arrested. So far as the role attributed to petitioners No.1 and 2 is concerned,

petitioner No.1 was allegedly armed with a double barrel gun and had raised Lalkara and fired at Harpal Singh from his gun. Petitioner No.2, who was allegedly armed with a revolver fired a shot at Jagdeep Singh, but no injury was caused on the person of Jagdeep Singh.

Counsel for the complainant has opposed the application for pre-arrest bail alleging that the petitioners had been indicted on the basis of a report of the Special Investigation Team. But on asking of the Court, State counsel on the instructions of ASI, Harpal Singh, Investigating Officer states that thereafter, another Special Investigation Team had been constituted to look into the culpability of the petitioners and that the report of said SIT had not yet been received.

With the assistance of counsel for the petitioners, complainant and the State counsel, I have gone through the nature of the allegations against the petitioners. Since Manpreet Singh/non-applicant and others have been attributed specific injuries on the person of the deceased and the culpability of the petitioners is still under consideration by Special Investigation Team; petitioners having been summoned as additional accused under Section 319 Cr.P.C. have already put in appearance before the trial Court, it appears to be a prima facie case of dual version till date.

Taking into consideration the totality of the above said circumstances, the petitioners deserve to be granted the concession of pre-arrest bail on account of the fact that they have

put in appearance before the trial Court. Accordingly, this petition is allowed and it is ordered that the petitioners will be released on bail by the trial Court on their furnishing bail bonds/surety bonds to the satisfaction of the trial Court, subject to the following conditions:-

1. Petitioners will not tamper with the evidence or hamper the proceedings in any manner.
2. They will not absent themselves without any sufficient cause; and
3. They will not commit similar offence for which they are facing trial, during pendency of the trial and will not make any attempt to threaten the witnesses or in any manner hamper the fair trial.

In case of violation of any of the above said conditions, it will be open to the complainant or the State to seek cancellation of the bail.

Nothing said in this order will be deemed to be an expression on the authenticity/validity of the investigation/further investigation/re-investigation which is being conducted by the Special Investigating Team.

10.08.2015
anju rani

(M.M.S.BEDI)
JUDGE