

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

Crl.Misc.No.M-22124 of 2015

Date of decision : 10.7.2015

Jasvir Singh and another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Sukhdeep Singh Sidhu, Advocate
for the petitioners.

.....

MAHESH GROVER, J.

This is a petition under Section 438 Cr.P.C. praying for release of the petitioners in terms thereof in a case registered vide FIR No.57 dated 20.5.2015 under Sections 323, 447, 511, 307, 336, 148, 149, 120-B IPC and 25/27/54/59 of Arms Act at Police Station Talwandi Sabo, District Bathinda.

The facts of the case would indicate a free fight between the petitioners and the complainant. The petitioners allege that their possession was being usurped forcibly which led to the violence. The facts would also indicate that the petitioners and their cohorts were well armed and one of the co-accused tried to run over another person with a tractor. Shots were also fired in the process. Learned counsel for the petitioners contends that as far as petitioner Jasvir Singh is concerned, he has only been

attributed injuries with blunt weapon on the person of Balwinder Singh and therefore his case is distinct from that of other co-accused thus entitling him to the benefit of pre-arrest bail.

On due consideration of the matter and noticing the fact that the petitioners indulged in an incident of violence where co-accused were also attributed injuries as also the petitioner No.1 even though with a Lathi and where shots were also fired, the petitioners would not be entitled to an equitable relief under Section 438 Cr.P.C. which is intended to protect people from false implication and not to be extended to persons whose role may be minimal but participation in a violent occurrence established.

Petition dismissed.

10.7.2015

(MAHESH GROVER)
JUDGE

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