

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-25444 of 2015
Date of decision : 13.08.2015

Harjeet Singh and another

..... Petitioners

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. Janak Singh Bhinder, Advocate
for the petitioners**

Mr. V.P.S. Sidhu, AAG Punjab

ANITA CHAUDHRY, J. (ORAL)

The petitioners are seeking anticipatory bail in FIR No. 173 dated 10.07.2015 registered at Police Station Patran, District Patiala under Sections 336, 379, 506, 427, 148, 149 IPC read with Sections 25, 54, 59 of Arms Act.

The allegations against the petitioners are that the complainant who is a partner in a liquor vend was going in a Balero jeep for collecting cash from various liquor vends. On their way to Bhootgarh, three vehicles were found standing near the Phirni of village. As their vehicle came near one of the said vehicles started moving and came in front of their vehicle and remaining two started chasing them. When the vehicle reached near liquor vend 8/9 persons including Harjit Singh, Dalvir Singh, Gagandeep Singh @ Gaggi came out of the said vehicles and started raising Lalkaras and they started firing shots in the air. The complainant and the other occupants ran towards paddy fields in order to save themselves. The accused fired at their vehicle and also damaged the vehicle with iron

rods and dangs. They were raising lalkara that it was a lesson to the complainant and others for quarreling with Harjit Singh. The complainant had mentioned that another incident had taken place on 07.07.2015.

Learned counsel for the petitioner contends that Nirmal Singh and Kuldeep Singh are present in the Court and they have given their affidavit that no such incident had occurred and no recovery is to be effected.

Learned State counsel submits that Nirmal Singh and Kuldeep Singh were mentioned as witnesses and they had made a statement under Section 161 Cr.P.C. which is against the petitioners.

The authenticity of the affidavit can not be gone into at this stage. The photographs have been shown by the State counsel. The vehicle has been damaged badly.

Learned counsel for the petitioners states that they are ready to compensate the complainant.

The allegations are serious. Section 438 Cr.P.C. is an extra ordinary remedy and protection can be granted considering the material and the facts of a given case. Custodial interrogation is necessary. It would be difficult to carry out the investigation. It is necessary to curtail their freedom to enable the Investigators to proceed. No fetters can be placed upon the Investigators.

The petition is dismissed.

August 13, 2015

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**(ANITA CHAUDHRY)
JUDGE**