

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

Criminal Misc.No.M-29305 of 2015

Date of Decision: August 31, 2015

Sajjan Singh & Anr.

...Petitioners

Versus

State of Punjab & Ors.

...Respondents

Criminal Misc. No.M-29365 of 2015

Sajjan Singh & Anr.

...Petitioners

Versus

State of Punjab & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.S.S.Rangi, Advocate,
for the petitioners.

1. Whether Reporters of Local papers may be allowed to see the judgment? yes
2. To be referred to the Reporters or not? yes
3. Whether the judgment should be reported in the Digest? yes

Naresh Kumar Sanghi, J.(Oral)

Since both the petitions are arising out of one and the same FIR and the prayer in both the petitions is for cancellation of the bail granted to the private respondents, therefore, both the petitions are disposed of by this common order.

Prayer in these petitions, filed under Section 439(2) with Section 482, Cr.P.C., is for cancellation of the anticipatory bail granted to Nirmal Singh @ Nirmail Singh and Jarnail Singh (Criminal Misc. No.M-29305 of 2015) and Bant Singh, Labh Kaur, Baljinder Kaur and Neeru (Criminal Misc.No.M-29365 of 2015)

by learned Additional Sessions Judge, S.A.S.Nagar (Mohali) in a case arising out of FIR No.37 dated 29.04.2015, for the offences punishable under Sections 148, 323, 324, 325, 326, 341 and 506 read with Section 149, IPC, registered at Police Station, Mullanpur Garibdass, District S.A.S.Nagar (Mohali).

Learned counsel contends that the police had not fairly investigated the matter; despite the fact that Section 324, IPC, was non-compoundable, the private respondents were granted bail by the police while exceeding its jurisdiction; the respondents/accused misrepresented the facts before learned Additional Sessions Judge, S.A.S.Nagar (Mohali) during course of consideration of applications for grant of anticipatory bail.

I have heard Mr.S.S.Rangi, learned counsel for the petitioners and with his able assistance gone through the material available on record.

Nothing has been pointed out by learned counsel for the petitioners with regard to unfair means adopted by the police during course of investigation. Even the misrepresentation of facts before Court of learned Additional Sessions Judge could not be substantiated by learned counsel for the petitioners. Learned Additional Sessions Judge, S.A.S.Nagar (Mohali) has granted anticipatory bail to the private respondents after passing the speaking orders in both the petitions. Initially the petitioners were arrested for the offences

punishable under Sections 148, 323, 324, 341 and 506 read with Section 149, IPC, and were granted bail by the police. After receipt of the X-ray reports of Sajjan Singh and Satwinder Singh (injured), Sections 325 and 326 IPC were added. As soon as the private respondents/accused came to know about the addition of the offences they moved petitions for grant of anticipatory bail before the Court of Session and the same were accepted.

In the matter of State through CBI vs. Amaramani Tripathi AIR 2005 SC 3490, Hon'ble the Supreme Court has held that for cancellation of bail, conduct subsequent to release on bail and the supervening circumstances alone are relevant.

In the present petitions, learned counsel for the petitioners has not pointed out any misconduct of the respondents/accused subsequent to grant of bail to them by learned Additional Sessions Judge, S.A.S.Nagar (Mohali).

No ground for interference by this Court is made out.

Dismissed.

August 31, 2015
seema

(Naresh Kumar Sanghi)
Judge

