

201

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29565 of 2014

Date of decision: September 23, 2015

Roop Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. G.S. Sidhu, Advocate
for the petitioners.

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

Mr. A.P.S. Deol, Senior Advocate with
Mr. Vishal Rattan, Advocate
for the complainant.

SABINA, J

Petitioners have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in FIR No.62 dated 06.05.2014, under Sections 457, 307, 148, 149 of Indian Penal Code, 1860 ('IPC' for short) (Sections 182, 195, 211, 120-B IPC added later on) and Section 25, 27 of the Arms Act, 1959, registered at Police Station Baghapurana.

In the present case, admittedly, offences under Sections 182, 195, 211, 120-B IPC have been added. Let necessary additions be made in the head note of the petition.

While issuing notice of motion, following order was passed by this Court on 08.09.2014:-

"This petition seeks anticipatory bail to the petitioners who are stated to be the actual victims of the occurrence, in which petitioner No.1 is stated to have received gunshot injuries in his chest and his leg, in support of which contention, a photocopy of the discharge and follow up card issued by PGI, Chandigarh, has been annexed as Annexure P-3, showing therein that the diagnosis in respect of petitioner No.1, Roop Singh, is that he received a

gunshot injury with axillary artery laceration with a fracture of the tibia.

Learned counsel submits that the wife of petitioner No.1, i.e. mother of petitioner No.2, has also filed a petition (Crl.Misc.No.M-18456 of 2014) seeking therein transfer of investigation, in which notice was issued by a coordinate Bench of this Court on 26.5.2014, and that matter is stated to be now posted for hearing on 15.9.2014.

Learned counsel further submits that, as a matter of fact, there is a discrepancy in the English translation of the Punjabi version of the report given by the SIT headed by the DSP, wherein the name of petitioner No.2 has allegedly been deliberately removed from such translation.

Learned counsel further submits that petitioner No.1 is not in a position to move about on his own after the occurrence and even after his discharge from the hospital.

Notice of motion, returnable on 15.9.2014.

In the meanwhile, petitioner No.2 is directed to join investigation, and in case he is sought to be arrested, he would be immediately released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate. He shall, further, abide by all the conditions stipulated in Section 438(2), Cr.P.C.

The same interim direction would also enure in respect of petitioner No.1. However, in view of the fact that he is unable to move, he shall join such investigation by the police visiting his residence. In case the fact that he is unable to move is found to be incorrect, the State would be at liberty to move an appropriate application.

To be heard along with Crl.Misc.No.M-18456 of 2014."

Learned State counsel who is assisted by Inspector Partap Singh has submitted that petitioners have joined investigation and are not required for further investigation.

Accordingly, interim bail granted to the petitioners by this Court vide order dated 08.09.2014, is made absolute.

Petition stands disposed of accordingly.

(SABINA)
JUDGE

September 23, 2015
mahavir