

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

CRM No.M-32805 of 2015 (O&M)

Date of decision: 05.12.2015

Sunil Kumar Sharma and another

...Petitioners

Versus

Kamaljit Singh and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. R.S. Cheema, Senior Advocate with
Mr. R.K. Trikha, Advocate for the petitioner.

Mr. APS Deol, Senior Advocate with
Mr. A.S. Brar, Advocate for respondent No.1.

Ms. Harsimrat Rai, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in a complaint case bearing No. 130 dated 24.03.2014 titled as Kanwaljit Singh Vs. Paramjit Singh and others, under Sections 302, 34 and 120-B IPC, pending in the Court of JMIC, Jalandhar.

It is contended that the present FIR is the result of land dispute going on between the parties. The complainant/respondent No.1 is in the habit of filing complaints against the petitioners. The learned counsel refers to the impugned summoning order dated

10.07.2015, passed by the learned JMIC, wherein it has been recorded that there is no material on record to attribute the death of Tirath with any overact of the accused and the petitioners have been summoned under Section 307 read with Section 149 IPC without any cogent evidence on record. No poison was detected in viscera report.

On the other hand, the learned counsel for respondent No.1 states that the presence of the petitioners has been duly testified by the eye witnesses. Therefore, the present petition deserves to be dismissed.

Heard.

Keeping in view the facts and circumstances of the case, the petitioners are directed to appear/surrender before the Judicial Magistrate 1st Class Jalandhar, within a week from today and furnish bail bonds/surety bonds. In the event of their doing so, they shall be admitted to bail by the releasing Court during the pendency of trial, to its satisfaction.

Disposed of.

05.12.2015

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(JITENDRA CHAUHAN)
JUDGE