

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM No.M-34577 of 2015****Date of decision: November 02, 2015**

Malook Singh and others

...Petitioners

Versus

Balbir Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.T.S.Sangha, Senior Advocate with
Mr.H.S.Sangha, Advocate
for the petitioners.

Ms.G.K.Mann, Advocate
for respondent No.1.

Ms.Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioners Malook Singh, Satnam Singh, Jasbir Singh Gurmeet Singh and Sukhdev Singh alias Raja have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in complaint case No.8 dated 11.01.2012 tilted as 'Balbir Singh vs. Sukhdev Singh and others' under Sections 450, 307, 302, 323, 325, 148, 149 and 120-B IPC.

Notice of motion was issued and learned counsel for respondent No.1 as well as learned State counsel appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, first of all, I find that it is a complaint case and the petitioners are only required to face trial and they are not required for any investigation or interrogation purposes. Secondly, as per the record, regarding same occurrence, FIR was registered and investigation is still going on. Neither the challan nor cancellation report has been filed. When the investigation is already going on in that case, the complainant also filed the complaint on the same facts, in which summoning order was passed against the present petitioners.

Learned counsel for the petitioners stated that nothing has been found against the petitioners and that is why the police has neither presented the challan nor arrested them in the FIR case. It is further argued that present petitioners are not named in the FIR.

Keeping in view the facts and circumstances of the case and in view of the fact that investigation is still pending in the State/FIR case and further trial of the case will take long time, no useful purpose will be served by sending the petitioners to custody. Therefore, the present petition is allowed. It is ordered that if the petitioners appear before the trial Court within fifteen days from today, then the trial Court shall release them on bail to its satisfaction.

November 02, 2015
Vgulati

(INDERJIT SINGH)
JUDGE