

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

**C.R.M-M No.35109-2015
Date of decision : 30.10.2015**

Gurtej Singh and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Ishma Randhawa, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

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

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.35 dated 16.03.2015 registered under Sections 302/148/149 IPC and Sections 25/27/54/59 of Arms Act at Police Station Lopoke, Amritsar Rural.

As per office report, dasti notice was received by respondent No.2 alongwith a photocopy of the petition but he refused to give his signatures. In the circumstances, service upon respondent No.2 is deemed to be completed. None has entered appearance despite the fact that this Court waited uptill 03.45 PM.

On 15.10.2015, the following order was passed :-

“On the oral request of the learned counsel, the complainant Manjit Singh son of Sohan Singh, resident of Chidden, P.S. Lopoke, is impleaded as respondent No.2.

Registry is directed to make necessary correction in the memo of parties.

This is a petition for grant of anticipatory bail to the petitioners in case FIR No.35 dated 16.03.2015 registered under Sections 302, 148, 149 IPC and Sections 25, 27, 54, 59 of the Arms Act, at Police Station Lopoke, Amritsar Rural. As per the FIR the nephew of the complainant had got married to the daughter of the main accused-Dalwinder Singh against his wishes. They had also obtained protection order from this Court. However, on the fateful day when they were returning on the motorcycle the aforesaid Dalwinder Singh alongwith other persons (including petitioners) came in a jeep and first hit their jeep against the motorcycle as a result of which the couple fallen to the ground. Thereafter, the couple was attacked and the petitioners before me were attributed Datar blows. The aforesaid Dalwinder Singh alongwith Lakhwinder Singh and Baldev Singh fired shots at the couple as a result of which both died.

Learned counsel has accepted that there are two incised wounds on left side of the skull of the deceased boy but argues that in all probability the same were caused only by one person. She has further argued that the petitioners have now been summoned under Section 193 Cr.P.C. but they were found innocent by the investigating officer and are ready to face the trial.

Notice of motion.

On the asking of the Court, Mr. Ashish Sanghi, Deputy Advocate General, Punjab, accepts notice on behalf of respondent No.1.

Learned counsel for the petitioners undertakes to supply a copy of the petition to the learned D.A.G. during the course of the day.

Learned counsel for the petitioners further undertakes to serve respondent No.2 by way of dasti process. May do so. Dasti only.

Adjourned to 30.10.2015.”

Learned counsel for the petitioners has argued that the main accused who fired shots are in custody and there is no attribution to the petitioners and since the petitioners were found innocent by the police and are ready to face investigation/trial they should not be denied the benefit of concession of anticipatory bail.

Learned Additional Advocate General, on instructions from S.I. Tejinder Singh, has accepted these factual assertions, even though in view of the fact that the prosecution has given a clean chit to the present petitioners the acceptance by the learned Additional Advocate General may be neither here nor there, yet since even respondent No.2 has not appeared to oppose the bail, I do not deem it appropriate to deny anticipatory bail to the petitioners.

The petitioners are directed to appear before the investigating officer on 06.11.2015 (between 10.00 AM to 04.00 PM) and on any other date as and when their presence is required. On their appearance the I.O. shall release them on bail to his satisfaction subject to the conditions as envisaged under Section 438 (2) Cr.P.C. In case the petitioners do not appear before the investigating officer in the aforesaid manner the present petition would be deemed to have been dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

October 30, 2015

Pooja sharma-I

**(AJAY TEWARI)
JUDGE**