

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

1. Crl. Misc. No. M-35613 of 2014 (O&M)

Jaswinder SinghPetitioner

versus

State of Punjab ...Respondent

2. Crl. Misc. No. M-42133 of 2014 (O&M)

Gurnam SinghPetitioner

versus

State of Punjab ...Respondent

Date of decision : 25.02.2015

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.S. Gill, Advocate
for the petitioner in CRM-M-35613 of 2014

Mr. J.P.S. Saraon, Advocate
for the petitioner in CRM-M-42133 of 2014

Mr. Gurveer Sidhu, AAG, Punjab

Mr. G.S. Salana, Advocate, for the complainant

RITU BAHRI , J. (Oral)

This order of mine shall dispose of the above two petition wherein prayer is for grant of anticipatory bail to the petitioners, in a case arising out of FIR No.108, dated 27.07.2014, registered at Police Station Julkan, Disstt.

Patiala, who have been booked for having committed the offences punishable under Sections 302/457/427/323/148/149 IPC and Sections 25/54/27 of Arms Act .

As per the prosecution story, on 26/27.07.2014 at about 1.30 PM Nishan Singh along with his two sons Anokh Singh, Gurwinder Singh, Charan Singh son of Harbans Singh, Tarlok Singh son of Harbans Singh, Balbir Singh son of Arjan Singh, Karan Singh son of Kashmir Singh, Jagdeep Singh son of Balbir Singh, Surjit Singh son of Chanan Singh, Sonu Singh son of Jass Singh, Prabh Singh son of Jass Singh came to roof of their house which adjoins the house of the complainant had murdered the brother of Gurmej Singh and on his statement the above said F.I.R was registered. The petitioner was not named by the complainant and no specific injury has been attributed to the petitioner. The petitioner along with Gurnam Singh were involved in the supplementary statement of the complainant recorded by the police on 27.08.2014 after a gap of one month of the incident (P-2 in CRM-M-42133). Petitioner Jaswinder Singh is brother-in-law of Nishan Singh-accused, to whom the fire arm injury has been attributed. Thereafter, an affidavit dated 28.08.2014 was given by Gurmej Singh (P-3) to the effect that he had got recorded the names of Dalbir Singh @

Balbir Singh and Jagdeep Singh son of Dalbir Singh @ Balbir Singh in this case and now he has come to a conclusion that these two persons were not present in the quarrel and in case the case is rejected against these persons, he has no objection.

Learned counsel submits that earlier also, the complainant party through Sukha Singh and Bhajan Kaur filed an application dated 08.11.2013 against the petitioner and others with regard to committing murder of Baldev Singh @ Baggi. This case was registered against Sukhwinder Singh @ Sunny by the police. Enquiry was conducted in the said case and the allegations against the petitioners were found to be false (P-5).

Learned counsel for the State, on instructions from ASI Chand Hir, states that in compliance of orders dated 16.10.2014 and 12.12.2014 passed by this Court, the petitioners have joined the investigation. Further the deceased Sukhwinder Singh @ Shinda has suffered one gun shot injury, which was attributed to Nishan Singh, who is in custody along with 08 other accused. Challan has been presented on 20.10.2014 and charges have been framed on 23.02.2015. At this stage, custodial interrogation of the petitioners is not required.

Keeping in view the fact that the name of the petitioners arose in the supplementary statement of the complainant on 27.08.21014 i.e after a gap of one month of the earlier statement given by the complainant, orders dated 16.10.2014 and 12.12.2014 passed by this Court whereby the ad-interim anticipatory bails were granted to the petitioners is made absolute. The petitioners shall continue to join the investigation as and when required to do so and abide by all the conditions as envisaged under Section 438 (2) Cr.P.C

However, the petitioners are at liberty to file fresh bail bonds after presentation of the challan.

Accordingly, the petitions stands disposed of.

25.02.2015

G Arora

(RITU BAHRI)
JUDGE