

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

**CRM No.M-42923 of 2014
Date of Decision:- 27.01.2015**

Chaman Singh and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR

**Present: Mr. T.S. Sangha, Senior Advocate,
with Mr. H.S. Sangha, Advocate
for petitioner Nos.2 to 5.**

**Mr. J.S. Sekhon, Assistant Advocate General, Punjab
for the State.**

**Mr. Malkiat Singh, Advocate
for the complainant.**

MEHINDER SINGH SULLAR, J.(oral)

Petitioner Nos.2 to 5 have preferred the instant petition for the grant of anticipatory bail, in a case registered against them along with their co-accused, vide FIR No.67 dated 05.07.2013, in which, they were summoned to face the trial as additional accused under Section 319 Cr.P.C., for the commission of offences punishable under Sections 302, 506 and 120-B IPC, by the trial Court.

2. Notice of the petition was issued to the State.
3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after considering the

entire matter deeply, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. During the course of preliminary hearing, the following order was passed by this Court on January 07, 2015: -

“At the very outset, learned counsel intends to withdraw the present petition relatable to the case of main accused Chaman Singh son of Nazar Singh (petitioner No.1).

Dismissed as withdrawn, as prayed for.

However, learned counsel, inter alia, contended that neither any specific role or particular part or injury is attributed to remaining petitioner Nos.2 to 5 in the FIR. They were falsely implicated in this case by the complainant in order to wreak vengeance. The argument is that during the course investigation they were found innocent and were exonerated by the police. Subsequently, they were summoned to face the trial as additional accused, in the wake of petition under Section 319 Cr.P.C., filed on behalf of the prosecution, by the trial Court, without any cogent evidence. Moreover, nothing is to be recovered from them.

Heard.

Issue notice of motion to the respondent.

At this stage, Mr. J.S. Sekhon, Assistant Advocate General, Punjab, on behalf of the State & Mr. Malkeet Singh, Advocate, on behalf of complainant, appear, accept notices and seek time to argue the matter.

Adjourned to 27.01.2015 for arguments, at the request of State/complainant counsel.

Meanwhile, the petitioners Nos.2 to 5 are directed to appear/surrender before the next date of hearing and the trial Court would admit them to interim (provisional) bail on their furnishing adequate bail and surety bonds to its satisfaction.”

5. At the very outset, learned counsel has placed on record the certified copy of order dated 09.01.2015, which would reveal that petitioner Nos.2 to 5 have already appeared/surrendered and bail & surety bonds furnished by them, in pursuance of the pointed order of this Court, were attested and accepted by the trial Court. There is no history

of their previous involvement in any other criminal case. The conclusion of trial will naturally take a long time.

6. In the light of aforesaid reasons and taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial, the instant petition for anticipatory bail is accepted. The interim (provisional) bail already granted to petitioner Nos.2 to 5, by way of indicated order of this Court, is hereby made absolute.

Needless to mention that, nothing observed here-in-above, would reflect, in any manner, on merits of the case, as the same has been so recorded for a limited purpose of deciding the present petition for anticipatory bail.

January 27, 2015
naresh.k

(MEHINDER SINGH SULLAR)
JUDGE