

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

CRM-M-6416 of 2015
Date of Decision: 23.03.2015

Gora Singh @ Gurcharan SinghPetitioner
Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. S.S. Sidhu, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Mr. K.B.S. Mann, Advocate
for the complainant.

SNEH PRASHAR, J.

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of concession of regular bail to the petitioner in case FIR No. 101 dated 07.07.2014, under Sections 324, 323, 148, 149 and 336 of the Indian Penal Code registered at Police Station, Nathana, District Bathinda.

Learned counsel for the parties have been heard.

It is submitted by learned counsel for the petitioner that the dispute was between co-accused Gurnaib Singh and Apar Singh with regard to the land situated at village Gidder, District Bathinda. The petitioner has been falsely involved in the present case being the son of Gurnaib Singh. He was not present in the village at the time of occurrence. No role has been attributed to him. Co-accused Harbans

Singh, Sikander Singh and Noora Khan have already been enlarged on anticipatory bail, whereas, Gurnaib Singh, who suffered injuries, has already been enlarged on bail by this Court. The petitioner is in custody since 1.11.2014.

On the other hand, learned State counsel as well as counsel for the complainant oppose the prayer of the petitioner. On instructions from Investigation Officer, learned State counsel informs that challan has been presented and in case, the petitioner is enlarged on bail, there is every likelihood to hamper the investigation as well as tamper the evidence.

It is a case of version and cross-version. Co-accused Harbans Singh and Noora Khan have already been granted the pre-arrest bail vide CRM-M-37269-2014 on 4.12.2014, Sikander Singh has also been granted pre-arrest bail vide CRM-M-37270-2014 on 20.2.2015, whereas Gurnaib Singh has been enlarged on regular bail vide CRM-37284-2014 on 20.2.2015. The petitioner is in custody since 1.11.2014. The charge sheet has not been filed as yet.

Thus, taking into considerations the peculiar facts and circumstances of the case and without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is released on bail subject to his furnishing bail/surety bonds, to the satisfaction of trial Court/Duty Magistrate, Bathinda .

March 23, 2015
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(SNEH PRASHAR)
JUDGE