

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

**CRM-M No.11565 of 2016 (O&M)
Date of Decision: 10.05.2016**

Harjinder Singh

..... Petitioner

Vs.

State of Punjab and others

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Harchand Singh Batth, Advocate for the petitioner.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for respondent No.1/State assisted by ASI Gurdeep Singh and
BDPO Dilbagh Singh.

JASWANT SINGH, J. (Oral)

The prayer is for grant of anticipatory bail under Section 438 Cr.P.C. to the petitioner-Harjinder Singh in case FIR No.59 dated 12.06.2010, under Sections 302, 307, 324, 323, 148, 149 of the Indian Penal Code and Section 25 of the Arms Act, registered with Police Station Bhikhiwind, District Tarn Taran.

On the previous date of hearing on 21.04.2016, the following order was passed:-

“ Present petition is for grant of anticipatory bail under Section 438 Cr.P.C on behalf of petitioner/ accused- Harjinder Singh in case FIR No.59 dated 12.6.2010 under Sections 302, 307, 324, 323, 148, 149 IPC and Section 25 of Arms Act registered with Police Station Bhikhiwind District Tarn Taran.

For the occurrence on 12.6.2010 at around 5:00 pm, there were 12 persons nominated as accused for causing the murder of Sukhchain Singh and injuries to the complainant Nirvail Singh and three others. The role attributed to the present accused, who was a Sarpanch of the Village, was that he raised a lalkara and, thereafter,

fired a shot towards Sukhchain Singh from his .315 bore rifle which hit him near his private parts. The petitioner- accused then is alleged to have fired towards the injured complainant- Nirvail Singh which hit on the right thigh.

It is submitted that after investigations, only three main accused were challaned, while the rest including the present petitioner were put in column No.2. Due to the eye witnesses having turned hostile in the criminal trial, the three accused have since been acquitted vide judgment dated 30.3.2012 (Annexure P.6). It is next submitted that now due to political rivalry, the police are trying to arrest the petitioner on the plea that some new material has been unearthed by the investigating agency.

Upon notice learned State Counsel assisted by ASI Gurdeep Singh submits that at the time of presentation of challan on 1.9.2010 against the other three co-accused, the investigations qua the present petitioner were still under way and he was never declared innocent. Subsequently the petitioner was declared a proclaimed offender on 12.10.2011. She further submits that the petitioner is main accused and, therefore, his custodial interrogation is required.

List on 10.05.2016 for further consideration.

Let the SSP Tarn Taran and Deputy Commissioner, Tarn Taran file their replies by way of affidavits disclosing the circumstances under which the proclaimed offender Sarpanch was permitted for all this while to perform his duties as a Sarpanch. The steps taken for arresting the petitioner prior to his being declared proclaimed offender and subsequently the steps taken for attaching the property of proclaimed offender. It is clarified that if the replies in the right earnest are not filed, both the aforesaid officers are directed to be present in Court on the next date of hearing for assisting the Court. ”

At the time of hearing today, learned Counsel for the petitioner submits that the present petition for anticipatory bail has become infructuous as the petitioner has been arrested on 06.05.2016.

Learned State Counsel, assisted by ASI Gurdeep Singh and BDPO Dilbagh Singh, pursuant to the interim directions, has filed reply dated 07/10.05.2016 of Sh. Manmohan Kumar, SSP, Tarn Taran and a separate reply dated 07.05.2016 of Sh. Balwinder Singh Dhaliwal, which are taken on record.

The present petition bearing CRM-M No.11565 of 2016 is dismissed as infructuous.

Registry is directed to register separate petition under Section 482 Cr.P.C. for issuance of any further directions qua the failure of the Investigating Agency in the aforesaid FIR, as also for monitoring the departmental action against the said Officers.

The said petition along with the replies be listed for further consideration on **23.05.2016**.

Learned State Counsel is directed to ensure the presence of the first I.O. of the case, namely, S.I. Surjit Singh, now posted as SHO, Police Station Baltoya, District Tarn Taran on the date fixed.

Accordingly, the present petition stands disposed of.

May 10, 2016
Gagan

(JASWANT SINGH)
JUDGE