

CRM-M No.12863 of 2016

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

**C.R.M-M No.12863 of 2016
Date of Decision : 26.07.2016**

Narinderpal Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Harsh Chopra, Advocate
for the petitioner.

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

Mr. Vishal Goel, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.38 dated 22.03.2016 registered under Sections 307, 341, 506, 120-B, 34 IPC and Section 27 of the Arms Act, at P.S. Nehianwala, Bathinda.

On 12.04.2016 the following order was passed:-

*“Petitioner seeks concession of anticipatory bail in
case FIR No.38 dated 22.03.2016, under Sections*

307/341/506/120-B/34 IPC and Section 27 of the Arms Act, registered at Police Station Nehianwala, District Bathinda.

FIR came to be registered at the instance of Kamaljit Singh in relation to an occurrence dated 22.03.2016. As per version of the complainant, he and his uncle Amarjit Singh were attacked by Mandeep Singh @ Maddi armed with a revolver, Gurjit Singh armed with a gandasa and Jasmin Singh armed with a sword. Categorical attribution of firing of a shot with a revolver and which hit Amarjit Singh in the stomach is to co-accused Mandeep Singh. Allegation is also against Jasmin Singh of having taken the same very fire arm from Mandeep Singh and having fired at the complainant with an intention to kill.

Mr. J.S. Thind, Advocate, who is present in Court has put in appearance on behalf of the complainant and vehemently opposed the present petition by stating that the present petitioner is the master mind behind the occurrence and was a part of the conspiracy as the motive behind the occurrence is that partition proceedings are pending between the parties and in which the petitioner is a co-sharer.

Be that as it may, Mandeep Singh co-accused who had resorted to firing and which resulted in the injury to Amarjit Singh attracting offence under Section 307 IPC has been arrested and the weapon already stands recovered. No injury/direct or overt act has been attributed to the present petitioner, who is otherwise ready and willing to join

investigation.

Notice of motion, returnable for 26.07.2016.

In the meanwhile, petitioners are directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner states that pursuant to the order dated 12.04.2016 the petitioner has joined the investigation.

Learned Additional Advocate General on instructions from ASI Har Gobind has accepted this fact and stated that the petitioner is no more required for custodial interrogation.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner in the present case. Ordered accordingly.

Resultantly, the interim order dated 12.04.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

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

July 26, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No