

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

CRM-M-14637-2016 (O&M)

Date of decision : 06.10.2016

Sewak Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Goldy Jakhar, Advocate,
for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Baldhir Singh.

JITENDRA CHAUHAN, J. (Oral)

The petitioners seek pre-arrest bail in FIR No.79 dated 12.06.2014, registered under Sections 307 and 148 read with Section 149 of the Indian Penal Code, and Section 25 of the Arms Act, at Police Station Nihal Singh Wala, Moga.

Heard.

On 29.04.2016, the following order was passed:-

“Petitioners have approached this Court in a case of the year 2014 registered at the instance of Jagsir Singh alleging that on 08.06.2014 when he along with Chinderpal Singh and Sarabjit Singh were irrigating land in the evening, the petitioners came on two motorcycles, one was driven by Jaspreet Singh and the other driven by Happy along with petitioner No.3 Lachman Singh armed with .12 bore rifle, petitioner No. 2 Atma Singh armed with .12 bore rifle, petitioner No.1 Sewak Singh armed with gandasi and petitioner No.4

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armed with a pistol. Jaspreet Singh and Happy raised 'lalkara' on which Chinderpal Singh and Sarabjit Singh ran away. Petitioner No. 3 Lachman Singh fired gun shot at the complainant hitting him on the right leg below the knee joint, as a result of which he fell down unconscious. Thereafter, all the accused escaped from the spot.

Learned counsel for the petitioners submits that the matter had been compromised in the year 2014. He has further submitted that there is delay of four days in registration of the FIR and no injury is attributed to petitioners No. 1, 2 and 4. A petition for quashing i.e. CRM-M-11678-2015 was filed on the basis of compromise but the same was dismissed on 21.09.2015. The said petition having been filed is not depicted in the computer matching report.

Notice to Advocate General, Punjab for 14.07.2016.

Petition is dismissed qua petitioner No.3 Lachman Singh on account of specific firearm injury attributed to him.

Meanwhile, an interim direction is issued that in case petitioners No. 1, 2 and 4 have not been arrested by 29.04.2016 till 2'o clock, they will join investigation on or before 07.05.2016. In case of petitioners No. 1, 2 and 4 doing so, they will be released on interim bail to the satisfaction of the arresting officer."

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioners have joined the investigation and they are not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 29.04.2016, is made absolute, subject to furnishing bail bonds surety bonds

to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition qua petitioner Nos.1, 2 and 4, stands allowed.

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No