

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

Date of decision:20/05/2016.

Kabal Singh and another

.....Petitioners

VS

State of Punjab

.....Respondent

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.SPS Sidhu,Advocate for the petitioner.

Mz.Rimplejeet Kaur,AAG Punjab assisted by ASI Mangal Singh

Mr.Nakul Sharma,Advocate for the complainant.

Jaswant Singh,J(Oral)

Prayer is for grant of anticipatory bail on behalf of accused petitioners-Kabal Singh and Satnam Singh in case FIR No.43 dated 28.5.2015 under Sections 302,323,34,148,149 IPC,PS Mallanwala,Distt. Ferozepur.

In the eye witness account of injured Raj Kaur,her husband Nishan Singh was murdered over a land dispute by 10 named accused persons including present two petitioners. Both the petitioners upon investigation were found innocent and placed in column no.2 in the challan/police report. They were,however, summoned under Section 193 Cr.PC by the learned trial court to face trial as additional accused at the time of consideration of charge.

It is submitted that petitioner no.1 is alleged to be armed with a *kappa* and petitioner no.2 with a *datar* and there is no specific injury attributed to them except a general and vague statement that all the accused had caused injuries to Nishan Singh, since deceased.

It is contended that in the light of alleged role attributed not having been found to be correct the petitioners are entitled to be released on

bail.

Vide order dated 6.5.2016 while issuing notice of motion it was directed that in the event of surrendering before the trial court within 10 days, petitioners be released on interim bail.

At the time of hearing today, learned counsel states that in compliance of the said order, petitioners surrendered before the trial court on 11.5.2016 and were released on interim bail.

Learned State counsel on instructions is unable to refute the said factual position.

In view of the above interim bail granted by the trial court, pursuant to the order dated 6.5.2016, is made absolute.

Disposed of.

20.05.2016
joshi

(Jaswant Singh)
Judge