

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

CRM No.M-1737 of 2016 (O&M)

Date of Decision: 04.04.2016

Lakhwinder Sharma

... Petitioner

Versus

State of U.T., Chandigarh

... Respondent

2. CRM No.M-5514 of 2016 (O&M)

Ranjit Singh

... Petitioner

Versus

State of U.T., Chandigarh

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. ADS Sukhija, Advocate and
Mr. Upender Prasher, Advocate for the petitioner(s).

Mr. Deepinder Brar, Advocate for U.T. Chandigarh.

....

TEJINDER SINGH DHINDSA.J.

This order shall dispose of ***CRM No.M-1737 of 2016 titled as Lakhwinder Sharma vs. State of U.T., Chandigarh*** and ***CRM No.M-5514 of 2016 titled as Ranjit Singh vs. State of U.T., Chandigarh*** as both these petitions have been filed under Section 438 Cr.P.C. seeking the concession of anticipatory bail to the petitioners therein in case FIR No.436 dated 25.10.2015, under Sections 341/307/34 IPC and Sections 25/54/59 of the Arms Act, registered at Police Station Sector-17, Chandigarh

On 18.01.2016, while issuing notice of motion in CRM No.M-1737 of 2016, the following order was passed by this Court:

“F.I.R was registered on the statement of Deepak Saini. Incident is stated to be of the intervening night of 24/25.10.2015. Complainant has stated that he had picked up a friend of his namely Simi @ Simran from her flat and had proceeded to a Disco in Sector 8 Chandigarh and while returning at about 1.30 A.M, they were overtaken by a Verna car and out of which four persons namely Rocky, Ranjeet, Manpreet and the present petitioner had alighted. Specific allegation is that Rocky had fired from a revolver at the complainant and thereafter took another revolver from coaccused Manpreet and fired a shot, which hit the complainant on the left side. The motive attributed is that the complainant knew the aforen-oticed persons from before and even on the date of occurrence they had misbehaved with his friend Simi @ Simran and for which the complainant had stopped them.

Counsel would contend that the main allegations are against Rocky, who had fired the shots as also Manpreet whose firearm had allegedly been used. It is submitted that both Rocky and Manpreet are in custody. In so far as the present petitioner is concerned, it is stated that the vehicle in question i.e. Verna car belongs to him and even such vehicle has since been recovered.

Petitioner is stated to be otherwise ready and willing to join investigation.

Notice of motion, returnable for 4.4.2016.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/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. 18.01.2016.”

Likewise, the notice of motion order dated 16.02.2016 passed

in CRM No.M-5514 of 2016 reads in the following terms:

“Counsel would, inter alia, contend that the allegations against the present petitioner are similar to Lakhwinder Sharma co-accused who has been granted interim protection by this Court in the light of order dated 18.01.2016 in CRM No. M-1737 of 2016 (Annexure P-4).

Notice of motion, returnable for 04.04.2016.

To be listed along with CRM No. M-1737 of 2016.

Interim protection in the same terms.”

Learned counsel appearing for U.T. Chandigarh upon instructions from SI Savinder Singh would apprise the Court that the petitioners have since joined investigation. Insofar as Lakhwinder Sharma (petitioner in CRM No.M-1737 of 2016) is concerned, it is contended that the vehicle in question i.e. Verna car belongs to him and the same has since been recovered.

The prayer for concession of anticipatory bail to Ranjit Singh (petitioner in CRM No.M-5514 of 2016) is opposed by contending that the fire arm in question i.e. country made pistol is yet to be recovered.

In this regard, suffice it to observe that the allegations as per complainant, Deepak Saini was that Rocky @ Sarabjit Singh main accused had fired a shot from the revolver and thereafter had taken another fire arm from co-accused Manpreet so as to fire a shot. Stand of the prosecution with regard to recovery of the pistol from Ranjit Singh (petitioner in CRM No.M-5514 of 2016) is based on the disclosure statement of main accused Rocky @ Sarabjit Singh.

The petitioners having otherwise joined investigation, this Court is of the considered view that they are held entitled to the concession of pre-arrest bail.

Both the petitions are allowed. Order dated 18.01.2016 passed

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in CRM No.M-1737 of 2016 and order dated 16.02.2016 passed in CRM No.M-5514 of 2016 are made absolute.

Disposed of.

04.04.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**