

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

CRM-M No.18063 of 2016

Date of Decision:-23.05.2016

Hardeep Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Arun Khatri, Advocate for the Petitioner.

JASWANT SINGH, J (ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner-Hardeep Singh in case FIR No.91 dated 08.05.2013 for offences punishable under Sections 302, 307, 148, 149 of Indian Penal Code and Sections 25 & 27 of the Arms Act registered with Police Station Patti, District Tarn Taran.

As per allegations in the FIR lodged by the complainant Tejbir Singh on the date of occurrence i.e. on 08.05.2013 at around 06.00 in the evening he along with his cousin Sukhraj, uncle Daljit and one Jasbir Singh Panch were waylaid by the accused party comprising five named accused armed with guns and *Gandassas*. They are alleged to have wrongly launched an attack resulting into the death of Sukhraj Singh and injuries to his uncle Daljit Singh.

The allegations against the petitioner-accused Hardeep Singh is

of being armed with gun and having fired in the air to resist the attempt of Daljit to rescue his son Sukhraj Singh.

It is contended that the petitioner was declared innocent in an enquiry leading to filing of the supplementary challan seeking discharge of the petitioner-accused. Thus he was not aware that he is wanted by the police any more and is now ready and willing to face trial.

At this stage, learned Counsel for the Complainant Ms. Isha Goyal, Advocate has put in appearance by filing her power of attorney and points out that the learned trial Court while considering the alleged innocence in an enquiry, post the submission of challan had specifically directed vide order dated 7.5.2014 for arrest of the petitioner-accused in the light of improper investigation by the police as also he being declared a proclaimed offender on 25.10.2013. She further submits that there is a direct evidence qua the involvement of the petitioner accused in the heinous offence along with co-accused and thus not entitled to grant of anticipatory bail.

Keeping in view the nature and gravity of offence and the direct evidence available no case for grant of anticipatory bail to the petitioner is made out.

Dismissed.

(JASWANT SINGH)
JUDGE

May 23, 2016
Vinay