

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM No. M-1808 of 2016 (O&M) Date of Decision: 11.04.2016
Gurdeep Singh @ Ajay --Petitioner

Versus

State of Punjab --Respondent

2. CRM No. M-5389 of 2016 (O&M)

Sukhjot Singh @ Bunty --Petitioner

Versus

State of Punjab --Respondent

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

Present:- Mr. J.B.S. Gill & Mr. Bhanu Pratap Singh,
Advocates for the petitioners.

Mr. D.S. Virk, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of CRM No. M-1808 of 2016 (Gurdeep Singh @ Ajay Vs. State of Punjab) and CRM No. M-5389 of 2016 (Sukhjot Singh @ Bunty Vs. State of Punjab) as both these connected petitions have been filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioners therein in case F.I.R. No.117 dated 7.9.2015 under sections 307, 323, 325, 326, 506, 148, 149, 120-B I.P.C, registered at Police Station, Mehtiana, District Hoshiarpur.

On 20.1.2016, while issuing notice of motion in CRM No. M-1808 of 2016, the following order was passed by this Court:-

“The present petition has been filed under Section 438 Cr.P.C. seeking the concession of pre-arrest bail to the petitioner in case FIR No.117, dated 07.09.2015, under Sections 307/323/325/326/506/148/149/ 120-B IPC, registered at Police Station Mehtiana, District Hoshiarpur.

FIR was registered on the statement of complainant/injured Maninder Singh in relation to an

occurrence alleged to have taken place on 01.09.2015.

Counsel would submit that even as per version of the injured, it was Ashwani Kumar, co-accused, who had given a kirpan blow and which had hit on the right side of his head and it is such injury which has attracted offence under Section 307 IPC. It is further contended that the name of the present petitioner was not even furnished in the statement given by the injured/complainant. Petitioner is sought to be implicated on the basis of disclosure statements of two co-accused, namely, Sukhraj Singh and Navjeet Singh.

Notice of motion, returnable for 11.04.2016.

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.”

Likewise, notice of motion order dated 15.2.2016 passed in CRM No. M-5389 of 2016 reads in the following terms:-

“Counsel would inter alia contend that even as per version contained in the FIR, the present petitioner was not even present on the spot and as such there would obviously be no occasion of any direct/overt act being attributed to him.

Notice of motion, returnable for 11.04.2016.

In the meanwhile, petitioner is directed to appear before 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 State counsel upon instructions from H.C. Gurinder

Singh would apprise the Court that the petitioners in both these connected

petitions have since joined investigation. That apart, even the observations contained in the notice of motion orders have gone unrebutted.

Under such circumstances, custodial interrogation of the petitioners, as such, would not be warranted. Accordingly, both these connected petitions are allowed. The order dated 20.1.2016 passed in CRM No. M-1808 of 2016 and order dated 15.2.2016 passed in CRM No. M-5389 of 2016, are made absolute.

Petitions are disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

11.04.2016

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