

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

**C.R.M-M No.19009 of 2016
Date of Decision : 26.07.2016**

Jasveen Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. S.S. Sidhu, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

Mr. Vishal Goel, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.38 dated 22.03.2016 registered under Sections 307, 341, 506, 120-B, 34 IPC and Sections 27/54/59 of the Arms Act, at P.S. Nehianwala, Bathinda.

On 28.05.2016 the following order was passed:-

“F.I.R came to be registered at the instance of Kamaljit Singh in relation to an occurrence dated 22.3.2016. As per version of the complainant, he and his uncle Amarjit Singh were attacked by Mandeep Singh @ Maddi, who was armed with a revolver, Gurjit Singh armed with a Gandasa and the present petitioner armed with a sword. In the occurrence it is only Amarjit Singh who has suffered a solitary gun shot injury in his abdomen.

The specific attribution of firing of a shot with a revolver and which hit Amarjit Singh in the stomach is to co-accused Mandeep Singh @ Maddi, who has already been arrested.

Counsel would submit that even though, as per complainant's version the present petitioner was armed with a sword, yet, there is no person from the complainant party who has suffered sharp edged/incised injuries. Further contended that even though, there is an allegation that the present petitioner had taken the same very fire arm from Mandeep Singh @ Maddi and had also fired at the complainant with an intention to kill but as per prosecution version itself, Kamaljit Singh complainant had not suffered any injury.

Counsel further submits that it is a case of version and cross-version in which even father of the present petitioner namely Mandeep Singh has suffered injuries.

Notice of motion, returnable for 26.7.2016.

To be listed along with CRM No. M-12863 of 2016.

In the meanwhile, petitioner is directed to join investigation.

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.”

Learned counsel for the petitioner states that pursuant to the order dated 28.05.2016 the petitioner has joined the investigation.

Learned Additional Advocate General on instructions from ASI Har Gobind has accepted this fact and stated that the petitioner is no more required for custodial interrogation.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner in the present case. Ordered accordingly.

Resultantly, the interim order dated 28.05.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

July 26, 2016
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No