

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 21599 of 2016

Date of decision: 19.8.2016

Himmat Singh

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. JS Bhandohal, Advocate.
Ms. HK Athwal, DAG, Punjab
Mr. LM Gulati, Advocate.

M.M.S.BEDI,J.

This order will dispose of two petitions for pre-arrest bail, one filed by Himmat Singh (CRM M 21599 of 2016) and the second filed by Ranjeet Singh (CRM M 21600 of 2016), in a case registered u/s 304/149 IPC on the allegation of complainant Randhir Singh alleging that the petitioners along with co-accused Gurdeep Singh had tress-passed the house of Mewa Singh, being members of an unlawful assembly, responsible for throwing brick bats at him and Dharam Singh etc. Mewa Singh was given a push by Gurdeep Singh, resulting in his death. The petition for pre-arrest of Gurdeep Singh has been dismissed.

Pursuant to the interim orders passed by this court, the petitioners have joined the investigation. A perusal of the record indicates that no injury on the person of deceased Mewa Singh or the complainant is found mentioned in the medical evidence, collected till date. No specific injury has been attributed to the petitioners. The culpability of the petitioners, as members of unlawful assembly, will be a debatable issue.

Counsel for the complainant has intervened to oppose the petition for pre-arrest bail contending that there are a number of cases

registered against the petitioners and that they are likely to commit the similar offence or they will directly or indirectly threaten the witnesses.

I have considered the facts and circumstances of the case and I am of the opinion that in view of no specific injury having been attributed to the petitioners, they can be granted the concession of pre-arrest bail.

Accordingly, both the petitions are allowed and it is ordered that in case of arrest of the petitioners, they will be released on bail to the satisfaction of the arresting officer subject to the condition that they will join the investigation as and when required by the police and will not tamper with evidence or hamper the investigation. The petitioners will also not directly or indirectly induce or threaten any person, acquainted with the facts of the case. In case of violation of any of the above said conditions, it will be open to the prosecution agency to seek cancellation of bail.

August 19 ,2016
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No