

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23471 of 2016
DECIDED ON: August 22, 2016

GURTEJ SINGH AND ANOTHERPETITIONERS..

VERSUS

STATE OF PUNJABRESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Amarinder Sandhu, Advocate,
for the petitioners.

Mr. P.S. Paul, DAG, Punjab.

Mr. P.S. Dhaliwal, Advocate,
for the complainant.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 438 of the Code of Criminal Procedure, the petitioner has sought pre-arrest bail in case FIR No. 35, dated 14.06.2016, under Sections 307, 148, 149 IPC read with Section 25/27 of the Arms Act, Police Station Mehal Kalan, District Barnala.

2. Shortly put, allegation contained in the FIR is that an occurrence took place on 14.06.2016, in which, Sukhdev Singh-complainant and Labh Singh sustained gun shot injuries. As far as petitioners are concerned, no specific role has been attributed to them. Similarly, no injury has been ascribed to them. They are alleged to have fired in air.

3. In compliance of order dated July 14, 2016 passed by this Court, the petitioners have already joined the investigation on 26.07.2016. Moreover, it

is a version and cross-version case as the accused party has also sustained injuries during the course of occurrence. It is yet to be established as to which of the parties is an aggressor one.

4. In the given circumstances, this Court is of the considered view that custodial interrogation of the petitioners is not required.

5. Taking into consideration the aforesaid aspects of the case but without expressing any opinion on the merits, the petition is allowed and order dated July 14, 2016 is made absolute but subject to the conditions provided under Section 438 (2) Cr.P.C.

August 22, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*