

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

203

CRM-M-30121-2015 (O&M).

Decided on: January 27, 2016.

Harpal Singh and another

.. Petitioner(s)

VERSUS

State of Punjab and others

.. Respondent(s)

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CORAM:

HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

PRESENT

**Mr.Rahul Bhargava, Advocate,
for the petitioners.**

Ms.Harpreet Kaur Athwal, DAG., Punjab.

**Mr.A.P.S.Randhawa, Advocate,
for respondent Nos.2 & 3.**

M.M.S. BEDI, J. (ORAL)

Respondent Nos.2 & 3 had been granted concession of pre-arrest bail after they were summoned as additional accused under Section 319 Cr.P.C.

Counsel for the petitioners submits that after the aforesaid respondents having been granted concession of pre-arrest bail on 10.8.2015, the matter was taken up before the trial Court on 28.8.2015. On said date, respondent Nos.2 & 3, have threatened the witnesses.

After hearing the counsel for the petitioners and counsel for the private respondents, it is found that the allegations of tampering with the evidence are vague and uncertain and appear to have been levelled to prejudice the rights of respondent Nos.2 & 3 who had been granted the concession of pre-arrest bail on having been summoned as additional accused.

I have also considered the other circumstances of the case. Cancellation of bail has been sought only qua respondent Nos.2 & 3 who are amongst the total 10 accused facing trial. Out of 10 accused, 7 accused are on bail. The petitioners have opted to choose only two persons on bail claiming that they have got an apprehension of tampering with the evidence from respondent Nos.2 & 3 only while 5 other persons are also facing trial having been challaned prior to respondent Nos.2 & 3, having been arrayed as additional accused.

I have also gone through the contents of Annexure P7, FIR registered on 30.8.2015. The challan has not yet been presented in the said FIR. No opinion can be expressed regarding the authenticity of the independent allegations levelled in the said FIR.

No ground is made out for cancellation of bail granted to respondent Nos.2 & 3, vide order dated 10.8.2015.

The petition is dismissed without prejudice to the rights of the petitioners in the FIR lodged on 30.8.2015.

(M.M.S. BEDI)
JUDGE

January 27, 2016.
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