

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-34349 of 2016

Date of Decision: October 24, 2016

Tarsem Singh

.....Petitioner

Vs.

State of Punjab and anr.

.....Respondents

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

-. -

Present:- Mr. Rajesh Sharma, Advocate
for the petitioner.

-. -

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

Petitioner seeks the cancellation of pre-arrest bail granted to respondent No.2 in a case which was registered at his instance alleging that on June 13/14, 2016 at about 9.30 p.m., respondent No.2 along with one another armed with rifle had entered the house of the petitioner and fired shots from his rifle towards the petitioner and his family but no one was injured as they escaped by lying down on the ground.

Counsel for the petitioner submits that the Sessions Court has granted the concession of pre-arrest bail to respondent No.2 ignoring the fact that an inquiry had been conducted at the instance of father of respondent No.2 which inquiry was found against him and that in the second application

filed by respondent No.2, this fact was not mentioned as a result of which he was able to get bail by concealing the facts.

I have heard counsel for the petitioner. The present petition deserves to be dismissed on the following grounds:-

- i) The remedy under Section 439 (2) Cr.P.C. is available to the petitioner by approaching the Sessions Court;
- ii) the facts mentioned in the FIR and the allegations against respondent No.2 are clearly indicative of the fact that it is a case of no injury; and
- iii) It does not appear to be a case where for the reasons pointed out by counsel for the petitioner, the discretion exercised by the Sessions Court could be interfered with.

Dismissed.

October 24, 2016
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether reportable:	Yes/No.