

CRM-M-34485 of 2016 (O&M)

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

**CRM-M-34485 of 2016 (O&M).
Date of Decision: October 19, 2016.**

Ujagar Singh

.. Petitioner(s)

VERSUS

State of Punjab

.. Respondent(s)

*** * ***

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

*** * ***

**PRESENT Mr.Gurcharan Dass, Advocate,
for the petitioner.**

Ms.Simsi Dhir Malhotra, DAG., Punjab.

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

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Swaranjit Singh alleging that on 20.3.2016, the complainant and his mother Sukhwinder Kaur were approached by members of unlawful assembly including the petitioner armed with guns and rods. An attempt was made to take possession of the house by cutting the lock. Resham Singh fired at the complainant resulting in pallet injuries. The members of unlawful assembly allegedly destroyed the wall.

So far as the petitioner is concerned, he has not been

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attributed any specific injury.

Counsel for the complainant, Mr.R.S.Bains, Advocate, has intervened to oppose the application for bail contending that the petitioner acting as a Panch had actively participated in the occurrence and had not only instigated the other accused and inflicted injuries but he also was the first person who had led the members of unlawful assembly to commit crime.

After hearing the counsel for the petitioner and counsel for the complainant as well as the State counsel, it transpires that the petitioner is an old man of 66 years of age and the challan has already been presented qua the other accused. The prosecution agency had opted not to present challan against the petitioner as he had not earlier been arrested. Pursuant to interim orders passed by this Court, the petitioner has now joined investigation and supplementary challan has also been prepared to be presented against the petitioner in the court of competent jurisdiction.

From the circumstances mentioned hereinbefore the arrest and custodial interrogation of the petitioner is not warranted though the petitioner is prima facie responsible for the entire episode. The petitioner, in above circumstances, can be granted the concession of pre-arrest bail.

The petition is allowed. It is ordered that in case of arrest of the petitioner he shall be released on bail to the satisfaction of the arresting officer/Court on presentation of supplementary challan

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subject to a condition that the petitioner will not, in any manner, tamper with the evidence or threaten or pressurise any prosecution witness. In case of petitioner indulging into any similar activity of which he is accused of during pendency of the trial, it will be open to the complainant or the prosecution agency to approach this Court for cancellation of bail.

(M.M.S. BEDI)
JUDGE

October 19, 2016.
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Whether speaking / reasoned
Whether Reportable:

Yes / No
Yes / No