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

**CRM-39746-2016 in/and
C.R.M-M No.35919 of 2016
Date of Decision : 23.12.2016**

Gurdeep Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. G.S. Sidhu, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

Mr. A.S. Cheema, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

CRM-39746-2016

For the reasons recorded, the application is allowed. Document
Annexure P-6 is taken on record.

CRM-M-35919-2016

Prayer in the present petition filed under Section 438 of the
Cr.P.C. is for the grant of anticipatory bail in case FIR No.61 dated
29.05.2015 registered under Sections 302, 341, 148, 149 IPC and Sections

On 27.10.2016 the following order was passed:-

“This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.61, dated 29.05.2015 registered under Sections 302/341/148/149 IPC and Sections 25/27/54/59 of Arms Act at Police Station Sardulgarh District Mansa.

Notice of motion for 09.11.2016.

On the asking of the Court, Mr. B.S.Thind, AAG, Punjab, accepts notice on behalf of the respondent-State.

Learned counsel for the petitioner undertakes to supply a copy of the petition to the learned AAG during the course of the day.

Learned counsel for the petitioner has argued that the petitioner was summoned under Section 319 Cr.P.C. after he was found to be not present at the spot by the police.

As per the allegations Darshan Singh was accompanying his brother-the deceased-near a barber shop when two motorcycles arrived at the spot. 06 persons were riding those 2 motorcycles among them the petitioner. 4 of them fired shot at the deceased and the petitioner had shot the deceased in the neck. The mother of the petitioner moved an application to the higher authorities claiming that her son had been falsely implicated.

Learned counsel for the petitioner has argued that the police found that the petitioner was at that time applying siller to his cotton crop and was not present at the spot. The police further found that even the complainant was not at the spot and it was only in these circumstances that the petitioner was placed in column No.2. As per the learned counsel the exculpation by the police would definitely entitle the petitioner to be released on bail since he is ready to face the trial. The investigation is over, no recovery is to be made and no useful purpose would be served now by keeping him in jail.”

Learned counsel for the complainant and the learned Additional Advocate General have argued that actually in this case the petitioner was attributed a specific gun shot injury and was wrongly found not present at the site because his phone call details were not taken on the record.

Be that as it may, without commenting on these facts so as to not to prejudice the case of either of the parties, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner. It goes without saying that in case the petitioner is held guilty after the trial he would be liable to undergo whatever punishment imposed upon him.

Petition stands allowed. Let the petitioner appear before the trial Court on the date fixed and it shall release him on bail to its satisfaction.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

December 23, 2016
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No