

Sr. No.202

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-35333 of 2015 (O&M)

Date of Decision: 26.05.2016

Baljinder Singh Chahal and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Ashok Kumar Arora, Advocate,
for the petitioners.

Mr. D.S.Virk, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case report Roznamcha No.29 dated 29.01.2015, under Sections 307/452/148/149 of Indian Penal Code read with Section 25/27 of Arms Act in case FIR No.92 dated 05.08.2014, under Sections 336/353/186/148/149 of Indian Penal Code read with Sections 25/27 of Arms Act, registered at Police Station Kathu Nangal, District Amritsar (Rural).

While issuing notice of motion, the following order was passed by this Court on 14.10.2015:-

“Prayer under Section 438 Cr.PC is for grant of anticipatory bail to the petitioners in a cross version recorded as DDR No.29 dated 29.01.2015 for offences punishable under Sections 307, 452, 148, 149 IPC read with Section 25 of the Arms Act recorded in FIR No.92 dated 5.8.2014 for offences

punishable under Sections 336, 353, 186, 148, 149 IPC read with Section 25 of the Arms Act lodged by the Excise and Taxation department against the present lodgers of the cross version.

It is contended that petitioners were alleged liquor vendors in the Pakharpura circle of Majithia for theyear 2014-15 to the displeasure of Rajinder Kumar and party etc the lodger of the aforesaid cross version in FIR No.92. On account of such displeasure the aforesaid Rajinder Kumar and party had on 29.03.2014 inflicted serious injuries upon the present petitioner leading to the lodging of FIR No.39 dated 29.03.2014 under Sections 364, 307, 342, 295-A, 506, 120-B, 148 & 149 IPC and Sections 25 & 27 of Arms Act PS B Division, Amritsar against Rajinder Kumar and party.

Since the petitioners were not being permitted to operate their liquor vends, a complaint was lodged by the petitioners with the Excise and Taxation Department, who thereupon had sent their officials on 5.8.2014 to conduct an enquiry. The said inspecting party was fired upon leading to the lodging of the FIR no.92 dated 5.8.2014 against Rajinder Kumar and associates.

It is further contended that in the said FIR No.92 after a lapse of 5-1/2 months, a false cross version has been entertained at the instance of Rajinder Kumar and associates against the present accused with the allegations that it was the petitioner and his associates, who had fired upon the officials of the Excise and Taxation Department.

Notice of motion for 08.02.2015.

In the meanwhile, in the event of their arrest, petitioners shall be released on interim bail subject to the satisfaction of the arresting/investigating officer. However, they shall join the investigation as and when called upon to do so and abide by the conditions as envisaged under Section 438 (2) Cr.PC.

Investigating Officer would be present in Court on the next date of hearing.

Learned State counsel would apprise the Court that the petitioners have since joined investigation and there is no recovery that has to be effected from them.

Accordingly, present petition is allowed. Order dated 14.10.2015, passed by this Court, is made absolute.

Disposed of.

26.05.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE