

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

(206)

CRM-M-3808-2016

Decided on: March 16, 2016.

Yadwinder Singh @ Yaad

.... Petitioner

Versus

State of Punjab

..... Respondent

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

Present: Mr. A.S. Cheema, Advocate, for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

Mr. P.K.S. Phoolka, Advocate, for the complainant.

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

Petitioner apprehends arrest in a case registered at the instance of Amar Singh alleging that on 27.12.2015 he along with his wife Balbir Kaur and brother Teja Singh had gone to their fields for irrigating the same with 12 bore rifle and 24 cartridges, when the petitioner along with five other co-accused armed with swords, 'gandasi' and 'soti' had attacked the complainant and his wife.

Co-accused of the petitioner Charna Singh is alleged to have snatched the gun of the complainant and fired shots causing injuries to the complainant, his wife Balbir Kaur and brother Teja Singh. The motive attributed is the pendency of a civil litigation.

Learned counsel for the complainant has intervened to oppose application for pre-arrest bail contending that three gun shots have been fired after snatching the gun from the complainant who is an old man.

I have heard learned counsel for the petitioner, learned State counsel as well as learned counsel for the complainant and gone through the police file.

The petitioner in the present case has not been attributed any injury on the person of any one on the side of the complainant. Charna Singh co-accused of the petitioner has allegedly fired gun shots at complainant Amar Singh, his real brother. So far as the petitioner is concerned, no specific injury has been attributed to him.

It will be debatable whether the petitioner shared common intention with his co-accused Charna Singh.

Petitioner, having joined the investigation, can be granted concession of bail as he has not been attributed any injury.

Petition is allowed. Interim order dated 03.02.2016 is hereby made absolute subject to the conditions that he will join investigation as and when required and will not tamper with the evidence or hamper the investigation in any manner.

(M.M.S. BEDI)
JUDGE

March 16, 2016
harsha