

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

(205)

CRM-M-3924-2016

Decided on: May 05, 2016.

Avtar Singh and others

.... Petitioners

Versus

State of Punjab

..... Respondent

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

Present: Mr. Ramesh Sharma, Advocate, for the petitioners.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

Mr. Sarabjit Singh Sidhu, Advocate, for the complainant.

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

Petitioners seek concession of pre-arrest bail in a case registered at the instance of Gursewak Singh alleging that his scooter was hit by a car and he was assaulted by the persons traveling in the car with muffled faces. The car was driven by Harpreet Singh non-applicant, who has been granted concession of pre-arrest bail by this Court.

Learned counsel for the complainant has intervened to oppose application for pre-arrest bail contending that the petitioners are members of a gang of non-applicant Harpreet Singh who indulged in criminal activities and many FIRs have been registered against him. So far as the petitioners are concerned, they are not involved in any other criminal case.

With the assistance of learned counsel for the petitioners, learned counsel for the complainant as well as learned State counsel, I have gone through the MLR. The injuries on the person of complainant are

laceration and abrasion which could be the result of a blunt weapon. The commission of offence under Section 307 IPC appears to be debatable.

I have considered the contentions of learned counsel for the petitioners.

It is an admitted fact that none of the petitioners have got any previous litigation with the complainant as such no motive could be attributed to the petitioners.

No doubt, the conduct of the petitioners in causing injuries to a scooterist after collusion of two vehicles, is not appreciable but in view of none of the injuries being grievous and intention to kill being debatable; the petitioners having joined the investigation; petitioners being not involved in any other case and the petitioners having no motive qua the complainant, they can be granted concession of pre-arrest bail.

The petition is allowed. It is ordered that in case of arrest of petitioners, they will be released on bail to the satisfaction of the arresting officer subject to the conditions that the petitioners will not indulge in any act of threatening or pressurizing the complainant and will not tamper with the evidence. In case of any such activity, it will be open to the complainant to approach this Court for cancellation of bail.

(M.M.S. BEDI)
JUDGE

May 05, 2016
harsha