

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

Sr. No.202

CRM NO. M-41423 of 2016

DECIDED ON: December 14, 2016

KHARKA SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Mr. RPS Sidhu, AAG, Punjab.

JASPAL SINGH, J. (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioner Kharka Singh has sought pre-arrest bail, feeling apprehension of his arrest, in case bearing FIR No. 307, dated September 23, 2016, under Sections 307, 323, 341, 506, 148 & 149 IPC and Section 25 of Arms Act, 1959, registered at Police Station Barnala, District Barnala, during the pendency of trial.

At the time of issuance of notice of motion on November 21, 2016, following order was passed:

“The petitioner seeks concession of pre-arrest bail in a case registered at the instance of Baljit Singh, alleging that the petitioner had fired at the complainant, but it is the case of no injury.

Learned counsel for the petitioner submits that the petitioner has also suffered nine injuries on his person.

Meanwhile, interim direction is issued that the petitioner will join the investigation on or before 03.12.2016 and in case of the petitioner doing so, he shall be released on interim bail to the satisfaction of the arresting officer.

This order will not prejudice right of the investigating agency to effect the recoveries in accordance with law.”

On instructions from ASI Sukhwinder Singh, Learned State counsel has submitted that in compliance of order dated November 21, 2016 petitioner has already joined the investigation before the trial Court. However, it has been pointed out that as many as 11 cases have been registered against the petitioner. The instant case is no injury case, whereas petitioner has sustained as many as 9 injuries on his person as pointed out by learned counsel for the petitioner. Otherwise also, it has emerged during the course of arguments that with regard to false implication as well as his family members, judicial inquiry has already been pending with the police officials, which is now listed for 09.02.2017.

Taking into consideration the aforesaid aspects of the case and without any opinion on the merits of the case, instant petition is allowed.

However, petitioner shall abide by all the terms and conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

December 14, 2016

Ankur

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No