

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

CRM No.M-42566 of 2015 (O&M)

Date of Decision: 08.02.2016

Shamsher Singh & another

... Petitioners

Versus

State of Punjab

... Respondent

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

Present:- Mr. B.S. Bhalla, Advocate for the petitioners.

Mr. K.D. Sachdeva, Additional Advocate General, Punjab.

....

TEJINDER SINGH DHINDSA.J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioners in case FIR No.109, dated 27.09.2015, under Sections 452/341/506/148/149 IPC and Sections 25/27 of the Arms Act, registered at Police Station Kot Ise Khan, District Moga.

On 22.12.2015, this Court had directed the petitioners to join investigation and had been pleased to grant ad interim protection as regards arrest.

Counsel appearing for the petitioners would contend that it is a case of no injury and the allegations contained in the FIR are completely motivated and unfounded. It is argued that there was a dispute between the parties with regard to possession of a plot and in relation thereto father of the complainant, Amolak Singh, namely, Darshan Singh had already filed a civil suit for decree of possession of the plot in dispute and vide order dated 07.07.2015 passed by the learned Civil Judge (Junior Division), Moga, a status quo order has been passed. It is contended that the allegations

contained in the FIR are only a counter blast to the civil proceedings that are going on.

Learned State counsel upon instructions from HC Sandeep Kumar would submit that the petitioners have since joined investigation and even recovery of weapons has been effected. He further submits that custodial interrogation of the petitioners would not be warranted.

Petition is allowed. Order dated 22.12.2015 passed by this Court is made absolute.

Disposed of.

08.02.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**