

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 43657 of 2015
Date of decision:- 17.2.2016

Jarnail Singh

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. JS Khiva, Advocate.
Ms. HK Athwal, DAG, Punjab
Mr. MS Uppal, Advocate.

M.M.S.BEDI,J.

Counsel for the complainant has intervened to oppose the petition for pre-arrest bail contending that the petitioner being specifically named in the FIR and specific role stands attributed to him, he cannot be granted the concession of pre-arrest bail,

I have heard counsel for the parties and find that the FIR has been registered at the instance of Leela Singh alleging that he along with his wife Sarabjit Kaur has seen Gurdeep Singh, Mungi, Gulab Singh and the petitioner, armed with jaili, sticks and iron rod, causing injuries on the person of Kamaldeep Singh, who later died. The petitioner along with Kewal Singh and Mungi were found innocent and kept in column No.2. The investigating agency has opted to present challan against Gurdeep Singh and Gulab Singh. The petitioner has been summoned as an additional accused on the basis of the testimony of the complainant on oath in the court.

The incident in the present case is of 16.3.2014. Dual version has already cropped up qua the petitioner and during the course of trial it will be for the trial court to separate grains of truthfulness from chaff on

appreciation of evidence. It does not appear to be a case where the petitioner has misused his liberty to influence the witnesses in any manner.

Without expression of any opinion on merits of the case, the petitioner can be granted the concession of pre-arrest bail as he has, pursuant to the interim order passed by this court has already put in appearance before the trial court.

The petition is allowed and interim order dated 24.12.2015 is hereby confirmed and the petitioner will remain on bail against the bail bonds already furnished subject to the condition that the petitioner will continue to appear before the trial court and will not absent himself without any sufficient cause. The petitioner will not delay the trial by adopting delaying tactics.

February 17 ,2016
TSM

(M.M.S.BEDI)
JUDGE