

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

CRM-M No.5250 of 2016

Date of Decision:-04.04.2016

Nirmal Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. NPS Mann, Advocate for the Petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
assisted by ASI Parkash Singh.

JASWANT SINGH, J (ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner Nirmal Singh in case FIR No.91 dated 27.11.2015 for offences punishable under Sections 307, 324, 323, 427, 447, 511, 148, 149 of Indian Penal Code and Sections 25 & 27 of the Arms Act, 1959 registered with Police Station Chohla Sahib, District Tarn Taran (Section 326 IPC added later on).

As per allegations, complainant Lovejeet Singh and his cousin Pargat Singh on 26.11.2015 at around 2 pm were standing in the field when the petitioner along with co-accused Harjit and 15 unidentified persons came on a tractor and three vehicles. Petitioner was alleged to be armed

with *Kirpan* and Harjit with Double Barrel Gun and others were armed with guns, *datars* and sticks and on raising of *lalkara* by Nirmal they tried to take possession of the land and thereby caused injuries upon them.

It is contended that the land stands purchased by the petitioner from the father of the complainant vide sale deed dated 30.05.2008 and as per *jamabandi* (P-3) petitioner was put in possession. It is further contended that in fact, it is complainant party who is aggressor and had caused gun shot injuries upon the petitioner and Harjit as per MLR (P-4). It is further contended that even as per version in the FIR taken on face value, no offence is made out under Section 307 IPC, keeping in view the nature of injuries suffered by other side.

Learned Counsel for the petitioner submits that pursuant to the interim order passed by this court petitioner has joined the investigation.

Learned State counsel assisted by ASI Parkash Singh submits that pursuant to the interim order passed by this court petitioner has joined the investigation and is no longer required for custodial interrogation.

In view of the above, interim protection/pre-arrest bail granted vide order dated 12th of February, 2016 is made absolute.

Petition stands disposed of.

(JASWANT SINGH)
JUDGE

April 04, 2016

Vinay