

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-6166 of 2016 (O&M)

Date of Decision: 16.05.2016

Balwant Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

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

Mr. D.S. Virk, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.109 dated 27.9.2015 under sections 452, 341, 506, 148, 149 I.P.C and sections 25, 27 of Arms Act, registered at Police Station, Kot Ise Khan, District Moga.

On 19.2.2016, the notice of motion was issued and the petitioner was granted *ad interim* protection as regards arrest subject to his joining investigation.

Learned State counsel upon instructions from ASI Kabal Singh would apprise the Court that the petitioner has since joined investigation.

It would also be relevant to advert to an order dated 8.2.2016, passed by this Court in CRM No. M-42566 of 2015 in terms of which co-accused Shamsher Singh and Chamkaur Singh have been granted concession of anticipatory bail. Order dated 8.2.2016 reads in the following terms:-

“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."

The present petitioner, who has joined investigation, is held entitled to the concession of anticipatory bail in the light of the reasoning and observations contained in the order dated 8.2.2016, passed in CRM No. M-42566 of 2015.

Accordingly, the present petition is allowed. The order dated 19.2.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

16.05.2016
lucky