

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

(203)

CRM-M-7158-2016

Decided on: May 24, 2016.

Gurwinder Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

(2)

CRM-M-13931-2016

Decided on: May 24, 2016.

Jaswant Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Jaswinder Singh Grewal, Advocate,
for the petitioner in both the petitions.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Mr. Onkar Singh Batalvi, Advocate,
for the complainant.

M.M.S. BEDI, J (ORAL)

This order will dispose of two applications for grant of pre-arrest bail, one (CRM-M-7158-2016) filed by Gurwinder Singh and the another (CRM-M-13931-2016) filed by Jaswant Singh.

The FIR was registered at the instance of Parwinder Singh alleging that the complainant along with his neighbour Amar Pal had gone

to their fields to keep away the stray cattle. They saw that Gurwinder Singh petitioner and others were pushing stray cattle in the wheat field of Amar Pal and when they were stopped, 'lalkara' was raised by petitioner Gurwinder Singh and Amar Pal was abused and pushed on the ground and given fist blows by petitioner Gurwinder Singh whereas his father Jaswant Singh, petitioner, fired from his .12 bore gun towards Amar Pal hitting him on the left and right knees.

Learned counsel for the petitioner has submitted that the petitioners have been falsely implicated on account of previous rivalry.

Perusal of the police file, with the assistance of learned State counsel and ASI Ramesh Chand, indicates that petitioner Gurwinder Singh has not been attributed any grievous injury. However, petitioner Jaswant Singh is alleged to have caused grievous injuries with firearm on both the legs of Amar Pal.

No ground is made out to grant concession of pre-arrest bail to petitioner Jaswant Singh.

Petition of petitioner Jaswant Singh (CRM-M-13931-2016), is dismissed.

So far as petitioner Gurwinder Singh is concerned, he can be granted concession of pre-arrest bail as pursuant to the interim order passed by this Court, he has already joined the investigation.

Learned counsel for the petitioner argues on behalf of petitioner Jaswant Singh as he is a patient of cancer and depending upon the liquid diet only. He has offered to join investigation as and when required.

I have considered the contention of learned counsel for the

petitioners raised on behalf of petitioner Jaswant Singh. The said plea may constitute good ground for grant of regular bail, but I do not find any extraordinary exceptional circumstance to grant concession of pre-arrest bail to petitioner Jaswant Singh. However, it is observed that in case the petitioner avails the remedy of regular bail by surrendering before the Illaqa Magistrate or the investigating agency, his application will be decided expeditiously preferably within a period of 1-2 days.

Learned counsel for the complainant has intervened to oppose application of Gurwinder Singh for pre-arrest bail contending that there is an apprehension of petitioner committing the same offence again as the petitioner lives in the neighbourhood of the complainant.

Petition of petitioner Gurwinder Singh (CRM-M-7158-2016) is allowed. It is ordered that in case of arrest of petitioner Gurwinder Singh, he will be released on bail to the satisfaction of the arresting officer subject to the conditions that he will join investigation as and when required and will not tamper with the evidence or hamper the investigation in any manner and will also not commit similar offence of which he is accused of, during the entire period of trial. In case of violation of any of the conditions, this order granting bail to petitioner Gurwinder Singh will be liable to be cancelled.

(M.M.S. BEDI)
JUDGE

May 24, 2016
harsha