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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 15836 of 2017
Date of Decision: 18.07.2017

Gurdev Singh @ Deva and another

.....Petitioners

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE H.S. MADAAN*

Present: Mr. Subhash Kumar, Advocate,
for the petitioners.

Ms. Jaspreet Kaur, A.A.G., Punjab.

Mr. Vikram Anand, Advocate,
for the complainant.

H.S. MADAAN, J.(Oral)

This is a petition for grant of pre-arrest bail, moved by Gurdev Singh @ Deva and Vijay, both real brothers, who are accused in F.I.R. No. 29, dated 05.03.2017, under Sections 323, 452, 427, 506, 148 and 149 I.P.C., registered at Police Station Maqsudan, District Jalandhar.

The petitioners had moved an application for grant of pre-arrest bail before the Court of Sessions at Jalandhar, but that application was declined by the Additional Sessions Judge, Jalandhar, vide order dated 24.03.2017.

The F.I.R. in this case was recorded on the basis of statement of the complainant- Harjinder Kaur, in which she had stated that on 04.03.2017 at about 9:30 p.m., when she along with her sons, namely

Sukhvir Singh and Baljit Singh, besides her daughter-in-law Mandeep Kaur w/o Sukhvir Singh was present at home, then Kulwant Singh, Gurdev Singh @ Deva, Vijay sons of Mohinder Singh along with other persons having weapons trespassed in their house and attacked them, hurling abuses. They had caused damage to household things. Manjit Kaur and Balbir Kaur were standing outside the house and threatening them.

After filing of this petition by accused Gurdev Singh @ Deva and Vijay, notice thereof was issued to the State. Vide order dated 08.05.2017, the petitioners were granted interim bail. As submitted by learned State counsel, the petitioners have since joined the investigation and have been released on interim bail, learned State counsel on instructions from A.S.I. Nareshpal from Police Station Maqsudan, District Jalandhar, who is the Investigating Officer in this case, states that the petitioners are not required for further investigation.

However, learned counsel for the complainant has opposed the grant of bail to the petitioners, vehemently stating that since the petitioners had trespassed in the house of the complainant and caused damage to the household goods, the incident should be taken seriously and pre-arrest bail should not be granted to them. He has further argued that the other co-accused, who have been granted similar concession, are giving threats to the complainant.

After hearing the contentions of learned counsel for the petitioners, learned State counsel and learned counsel for the complainant, I find it a fit case to grant the concession of pre-arrest bail to the petitioners for the reason that fortunately nobody was injured in the incident, the petitioners have already joined the investigation and they are no longer

required for further investigation, and that co-accused of the petitioners, namely Manjit Kaur and Kulwant Singh, are stated to have been granted anticipatory bail by the Court of Sessions at Jalandhar, therefore, the interim bail granted to the petitioners, vide order dated 08.05.2017, is hereby made absolute subject to fulfillment of conditions under Section 438 (2) Cr.P.C., i.e.:

1. that they shall appear before the Investigating Officer as and when so required;
2. that they shall not leave India without prior permission of the Court;
3. that they shall not give any threat or inducement to any of the prosecution witnesses; and
4. that they shall submit their passports to the Investigating Officer.

As regards the co-accused of the petitioner giving threats to the complainant, the complainant can approach the court which had granted pre-arrest bail to that accused for taking suitable action in the matter.

This petition stands allowed.

18.07.2017
Apurva

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No