

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

CRM-M-25136-2017

Date of Decision :-26.10.2017

Jassa and others

.....Petitioners

Versus

State of Punjab

.....Respondent

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

Present: Mr.Harinder Singh, Advocate
for the petitioners.

Ms.Samina Dhir, DAG, Punjab.

Mr.R.S. Bains, Advocate
for the complainant.

H.S.MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioners – Jassa Singh, Raj Bhupinder Singh, Sukhwinder Singh @ Shinder and Gurwinder Singh, accused in FIR No.78 dated 1.6.2017 for offences under Sections 452, 336, 323, 148, 149 IPC and 25 of Arms Act, registered with Police Station Dayalpura, District Bathinda.

Briefly stated facts of the case are that FIR in this case was registered on the basis of statement of complainant Smt.Kulwant Kaur wife of Major Singh, which she got recorded with the police stating therein that on 31.5.2017, her nephew Jagjit Singh @ Gora, resident of

Jalal had come to their house; that her son Shinderpal was also present there; that they were having chat over cup of tea; that at about 1:00 p.m., Gurdeep Singh, his brother Sukhwinder Singh @ Sukha having rifles, Jaskirat Singh armed with a *dang*, Megh Raj armed with *Gandasa*, Gurpreet Singh armed with baseball bat, Gurwinder Singh and others armed with *kirpans*, Gurmeet Singh armed with pistol, Jagga Singh armed with *dang*, Sukhwinder Singh @ Sukha armed with rifle, Jassa Singh armed with *kirpan*, Raj Bhupinder Singh armed with *gandasa*, Gopi armed with *dang*, Gurwinder Singh armed with *kirch*, Sukhwinder Singh armed with *dang*, Gura Singh armed with *dang*, Sukhwinder Singh armed with *dang* along with 7-8 other unknown persons having rifles and pistols came there and trespassed their house; that Gurdeep Singh raised *lalkara* and his co-accused having fire arms started firing in the air; that Shinderpal Singh and Jagjit Singh went inside the room, whereas Gurdeep Singh attacked her with butt of rifle, hitting her on head, left arm and leg; that she raised alarm and then the accused ran away from the spot along with their respective weapons. The motive for the incident was stated to be civil litigation pending between the parties.

Apprehending their arrest in that case, petitioners - accused had approached the Court of Sessions seeking grant of pre-arrest bail but their such application was dismissed by the Court learned Additional Sessions Judge, Bathinda vide order dated 7.6.2017, as such, they have approached this Court asking for similar relief.

Notice of the petition was given to respondent – State as well as complainant and respondents put in appearance through their

counsel.

I have heard learned counsel for the parties besides going through the record.

In this case fortunately only simple injuries were found on the person of complainant. No firearm injury had been suffered by any one in the incident. Furthermore, as stated by the State counsel, the petitioners have joined the investigation, weapons have been recovered from them. In that way, the petitioners are not required for further investigation. Keeping in view the facts and circumstances of the case, I find that custodial interrogation of the petitioners is not necessary and they can be granted pre-arrest bail.

Therefore, the interim bail granted to the petitioners on 11.8.2017 is made absolute, subject to their fulfilling conditions under Section 438(2) Cr.P.C.

The petition stands allowed accordingly.

26.10.2017
Brij

(H.S. MADAAN)
JUDGE

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