

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

CRM-M-29203 of 2016 (O&M)

Date of decision: 13.01.2017

Arshdeep Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. SPS Sidhu, Advocate for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab.

Mr. H.S. Batth, Advocate for the injured/witness.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in FIR No. 49 dated 09.04.2015, registered under Sections 302, 307, 341, 148 read with Section 149 of IPC and Sections 25 & 27 of Arms Act, at Police Station Bhikhiwind, District Tarn Taran.

It is contended that the complainant(s) were the aggressor which is clearly depicted in the site plan and further duly substantiated from the statement of owner of the house Puran Singh. The deceased along with injured-witness started throwing brickbats upon the petitioners. The petitioner(s) fired in the self defence. He

further states that the father of the deceased, Karamjit Singh has not supported the case of the prosecution. During the enquiry, no incriminating evidence was collected against the petitioners.

On the other hand, the learned State counsel opposes the bail application.

The learned counsel for the injured/witness states that though the complainant has not supported the prosecution version, however, he fully supports the case of the prosecution. He further states that in fact the deceased along with injured/witness were chased by the petitioners. They entered the house of Puran Singh in order to save themselves.

Heard.

Admittedly, there is no delay in lodging the FIR and the petitioners have been named in the FIR. However, keeping in view the fact that the place of occurrence is not in dispute and the complainant who lost his son has not supported the prosecution version. Moreover, on 21.11.2016, the State sought time to file reply in the matter, however, despite sufficient opportunity, no reply has been filed, therefore, the Court feels that the State has no interest in the matter.

Therefore, keeping in view the above facts and circumstances of the case, without adverting to the merits of the case, it is ordered that in case the petitioners appear/surrender before the

trial Court, within 10 days from today, in that eventuality, they shall be admitted to bail on their furnishing fresh bail/surety bonds to the satisfaction of the trial Court.

Disposed of.

13.01.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No