

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

(1)

**CRM-M-28975 of 2017
Date of decision:-22.8.2017**

Rajan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

(2)

CRM-M-24591 of 2017

Shakeen Singh

...Petitioner

Versus

State of Punjab

...Respondent

(3)

CRM-M-28340 of 2017

Inderjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

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

Present : Mr.Jasraj Singh, Advocate
for the petitioner (s).

Mr.K.S. Aulakh, DAG, Punjab.

Ms.Amandeep Kaur, Advocate for
Mr.J.B.S. Gill, Advocate
for the complainant.

H.S. MADAAN, J.

Vide this order I propose to dispose of three petitions for

grant of pre-arrest bail filed by petitioners – Rajan Kumar, Shakeen Singh and Inderjit Singh, all of them having been summoned to face trial in FIR No. 134 dated 13.9.2016 for offence under Section 302/34 IPC registered at Police Station Mehtiana, by the Court of Additional Sessions Judge, Hoshiarpur, while allowing application under Section 319 Cr.P.C. moved during trial.

Briefly stated, the facts of the case as per prosecution version, are that the FIR in question was registered on the basis of statement of complainant Kuldeep Singh s/o Jarnail Singh r/o Patrana, P.S. Mehtiana, Hoshiarpur, aged about 25 years, which he got recorded with the police on 13.9.2016, in which he stated that he is working in GNA factory, Mehtiana; that they are two brothers and his father had gone to Italy. According to the complainant, his younger brother Karandeep Singh, aged about 21 years was doing farming. On the fateful day i.e. 12.9.2016, he had gone to his factory for night duty, at about 8.30 P.M. his cousin Rachhpal Singh telephonically informed him that he should reach home immediately as his brother Karandeep Singh was very serious. He rushed home and came across his cousin brother Rachhpal Singh and uncle Santokh Singh, who told him that Balwinder Singh @ Binda son of not known, Rajan son of not known, Sarabjit Singh son of Chaman Lal and Shakeen Singh son of not known, in connivance with each other had attacked Karandeep Singh @ Kaka with sharp edged weapons at village Pandori Bibi and in that way committed his murder near Government water tank. As such the complainant alongwith Santokh Singh and Rachhpal Singh aforesaid, besides Bora Singh s/o Kartar Singh r/o village Bhatrana reached the spot and

observed dead body of Karandeep Singh lying there. In the statement to the police, the complainant stated that the motive for the instance was that about a year earlier, the persons named by him, in the earlier part of his statement had a quarrel with his brother Karandeep Singh @ Kaka and a court case in that regard was pending. On the basis of such statement the FIR had been registered. The investigation in the case began. Balwinder Singh @ Binda, Sarabjit Singh s/o Chaman Lal were arrested in this case on 14.9.2016. Sarabjit Singh got a khanda recovered from his possession, which had been used in the incident. As a result of enquiry being conducted by the police, Shakeen Singh s/o Piara Singh and Inderjit Singh s/o Shakeen Singh and Rajan Kumar s/o Kamaljit Kumar, were found innocent by Special Investigation Team, as such challan against Balwinder Singh @ Binda and Sarabjit Singh only was filed, whereas the three persons declared innocent were placed in column No.2 of the challan. During the trial statement of eyewitness Satnam Singh was recorded. Thereafter, an application under Section 319 Cr.P.C. was filed by the prosecution, which was allowed by Additional Sessions Judge, Hoshiarpur, vide order dated 5.5.2017 and Shakeen Singh, Rajan Kumar and Inderjit Singh were ordered to be summoned to face trial alongwith Sarabjit Singh and Balwinder Singh @ Binda, actually facing trial in the Court. The petitioners by way of filing petitions under Section 438 Cr.P.C., crave for grant of pre-arrest bail.

Notice of the petitions was given to the respondents, who put in appearance and opposed such petitions.

I have heard learned counsel for the petitioners, learned State counsel for the respondent Punjab State and learned counsel for the

complainant, besides going through the record.

Learned counsel for the petitioners has argued that petitioners were found to be innocent during the inquiry conducted by the police, as such, they were placed on column No.2; that since challan had been filed, case is pending trial in the Court, therefore custodial interrogation of the petitioners is not required; that conclusion of trial is likely to take considerable time; that the detention of the petitioners shall not serve any purpose; that the petitioners are ready to appear in the Court and to face trial, therefore pre-arrest bail be granted to them. In support of that contention, he has referred to citation **Bajinder Singh Versus State of Punjab, 2015(3) R.C.R.(Criminal) 950** by a Co-ordinate Bench of this Court wherein in a murder case petitioner had been summoned as additional accused to face trial, pre arrest bail was granted to such accused observing that additional accused who do not intend to defy law and are ready to face trial, their plea of anticipatory bail can be considered.

Learned counsel for the petitioners has further referred to authorities **Ravi Kumar Versus State of Haryana, 2015(5) RCR(Criminal) 895, Kehar Singh Versus State of Haryana, 2010(4) R.C.R.(Criminal) 672** by a Co-ordinate Bench of this Court in that regard.

Whereas learned State counsel has opposed the request for grant for pre-arrest bail to the petitioners keeping in view the nature of the case.

After hearing learned counsel for the parties, I find force in the contentions put forward by learned counsel for the petitioners since

the case is pending trial, the custodial interrogation of the petitioners is not found to be necessary and therefore their detention shall not serve any purpose. In the light of the ratio of the authorities referred to by learned counsel for the petitioners which finds application to the present case, the petitions are accepted. It is directed that on appearance of the petitioners in the Court of Additional Sessions Judge, Hoshiarpur, they be released on bail, subject to their furnishing personal bonds and surety bonds to the satisfaction of the trial Court. The trial Court may impose any term and condition found proper and suitable under the circumstances.

22.8.2017
Brij

(H.S.MADAAN)
JUDGE

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