

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35633 of 2016
Date of Decision: 17.01.2017

Rattan Singh and another

....Petitioners

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. P.B.S. Goraya, Advocate
for the petitioners.

Mr. Ashish Sanghi, DAG, Punjab.

Mr. Veneet Sharma, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to petitioners in case FIR No. 114 dated 03.08.2016, registered for the offences punishable under Sections 307, 325, 323 read with Section 34 of Indian Penal Code (for short 'IPC'), at Police Station Ajnala, District Amritsar.

Case was registered against petitioners Rattan Singh, father of the complainant and Harpal Singh, brother of the complainant, for attempting to kill by hitting motorcycle of complainant with the tractor, which was being driven by petitioner no. 2-Harpal Singh on which petitioner no. 1-Rattan Singh was sitting on mudguard. Admittedly, there is property dispute between the parties. The complainant has alleged that petitioner no. 2-Harpal Singh on *lalkara* of petitioner no. 1-Rattan Singh deliberately hit motorcycle of the complainant, on which his wife was pillion rider, in order to kill both of them. While wife of the complainant

fell in fields, complainant fell on the road and front and rear tyre of the tractor ran over his left arm and left leg.

Learned State counsel has argued that Puro, wife of petitioner no. 1-Rattan Singh and mother of petitioner no. 2-Harpal Singh, is living with the complainant and is supporting his claim in the property dispute. Earlier petitioner no. 2-Harpal Singh had caused serious and grievous injuries to his mother regarding which FIR No. 179 dated 08.09.2013 was registered at Police Station Ajnala in which he is facing trial. This shows violent attitude of petitioner no. 2-Harpal Singh, who do not deserve any discretionary relief of this Court allowing him pre-arrest bail.

Petitioner no. 1-Rattan Singh is stated to be 80 years old. The role attributed to him is that he was sitting on mudguard of the tractor and exhorted petitioner no. 2-Harpal Singh to finish the complainant.

Keeping in view age of petitioner no. 1-Rattan Singh and the role attributed to him in the occurrence, the instant petition filed on his behalf is allowed and order dated 04.10.2016 allowing him interim bail is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior

permission of the Court.

(iv) that the petitioner will seek regular bail on the presentation of challan in Court.

The present petition filed on behalf petitioner no. 2-Harpal Singh has no merit and the same is dismissed.

January 17, 2017

jk

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No