

CRM-M-42943-2017

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

CRM-M-42943-2017

Date of Decision:20.11.2017

Rajbir Singh @ Raja and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

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

Ms. Simranjeet Kaur, AAG, Punjab.

INDERJIT SINGH, J.(Oral)

Petitioners-Rajbir Singh @ Raja, Rajwinder Singh @ Raja and Jagnam Singh have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.133 dated 20.08.2016, registered at Police Station Kamboj, District Amritsar, under Sections 307, 452, 506, 382, 120-B, 148 and 149 of IPC and Sections 25 and 27 of the Arms Act, 1959.

Notice of motion was issued in this case.

Learned State counsel has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioners as well as

learned State counsel and have gone through the record.

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From the record, I find that as per the allegations of the prosecution, complainant-Harvinder Singh alias Geja alongwith his paternal aunt-Paramjit Kaur, father-Joginder Singh and paternal uncle's son-Jagdish Singh was standing under a tree outside of their house. At that time, the accused, who were armed with pistols, came there and fired gun-shots, but none of the gun-shots hit them. Thereafter, the accused entered into the house and also fired gun-shots. When a specific query was put up to learned State counsel as to whether any fire-shots hit the building, vehicle or person, the answer was 'No', to the same. It is also mentioned in the FIR that beatings were given to Paramjit Kaur, but she has not been medical-legally examined and, therefore, there is no injury on the record.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that it is a case of no injury and, therefore, no useful purpose will be served by sending the petitioners to custody. Finding merit in the present petition, the same is allowed. It is ordered that in the event of arrest, the petitioners be released on bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

20.11.2017

parveen kumar

Note: Whether speaking/reasoned
Whether reportable

(INDERJIT SINGH)
JUDGE

: Yes
: No