

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-46812 of 2016

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Date of decision: 9.1.2017

Jagroop Singh and another

...Petitioners

v.

State of Punjab

...Respondent

.....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Shivender, Advocate for Mr. J.P.S. Brar, Advocate for the petitioners.

Mr. V.P.S. Sidhu, Assistant Advocate General, Punjab for the respondent-State.

Mr. Hitesh Verma, Advocate for the complainant.

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Inderjit Singh, J.

This first petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No.5 dated 18.1.2016 registered for the offences under Sections 307, 364, 148 and 149 IPC and (Section 302 IPC, which was added alter on) at Police Station Maur, District Bathinda.

Notice of motion was issued in this case.

Mr. V.P.S. Sidhu, learned Assistant Advocate General, Punjab put in appearance on behalf of the State and Mr. Hitesh Verma, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the parties as well as learned

Assistant Advocate General, Punjab and have gone through the record.

From the record, I find that the FIR earlier registered for the offences under Sections 307, 364, 148 and 149 IPC and later on Section 302 IPC has been added. The petitioners were not present at the time of the first occurrence when the injuries were given by the co-accused and Jarnail Singh (since deceased) was taken to their house by the co-accused. As per the FIR, at that time, Jarnail Singh was in some unconscious condition. As per the FIR, later on Jagroop Singh and wife of Lakhbir Singh and Sarabjit Kaur wife of Pal Singh also gave injuries. A perusal of the FIR shows that no specific injuries have been attributed to the present petitioners. There are general allegations. They were not present when first part of the occurrence took place. The present petitioners were found innocent during investigation. There are only five injuries on the person of the deceased and all the persons were stated to be armed with sticks. Five persons have already been challaned by the Police. Four injuries out of the five are on non-vital parts of the body and are simple injuries by blunt weapon. One injury with blunt weapon on the head proved fatal. Both these petitioners have been summoned under Section 319 Cr.PC. The petitioners are not required for any investigation and interrogation purposes nor anything is to be recovered from them. They are only to face the trial.

Therefore, keeping in view the facts and circumstances, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed.

The petitioners are directed to appear before the trial Court within fifteen

[3]

days from today and the learned trial Court will release them on bail to its satisfaction.

January 9, 2017.

(Inderjit Singh)
Judge

hsp

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