

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM No. M- 6650 of 2017 (O&M) Date of Decision: 17.05.2017

Harjit Singh --Petitioner

Versus

State of Punjab --Respondent

2. CRM No. M- 8025 of 2017 (O&M)

Balram Singh --Petitioner

Versus

State of Punjab --Respondent

3. CRM No. M-8831 of 2017 (O&M)

Malkeet Singh --Petitioner

Versus

State of Punjab --Respondent

4. CRM No. M-8851 of 2017 (O&M)

Dilbag Singh --Petitioner

Versus

State of Punjab --Respondent

5. CRM No. M-11713 of 2017 (O&M)

Gurpreet Singh --Petitioner

Versus

State of Punjab --Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Navkiran Singh, Mr. Sarbjit Singh
 and Mr. Amit Arora, Advocates for the petitioners.

Ms. Harpreet K. Athwal, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of CRM No. M- 6650 of 2017 (O&M)
(Harjit Singh Vs. State of Punjab), CRM No. M- 8025 of 2017 (O&M)
(Balram Singh Vs. State of Punjab), CRM No. M-8831 of 2017 (O&M)
(Malkeet Singh Vs. State of Punjab), CRM No. M-8851 of 2017 (O&M)
(Dilbag Singh Vs. State of Punjab) and CRM No. M-11713 of 2017 (O&M)
(Gurpreet Singh Vs. State of Punjab) as all these five connected petitions

have been preferred under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioners in case F.I.R. No.21 dated 4.2.2017 under sections 307, 323, 188, 148, 149 I.P.C and sections 25, 27, 54, 59 of Arms Act, registered at Police Station, Jhabal, District Tarn Taran.

On 3.3.2017, the following order was passed by this Court in CRM No. M-6650 of 2017:-

“The instant petition has been has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.21 dated 04.02.2017, under Sections 307/323/188/148/149 IPC and Sections 25/27/54/59 of Arms Act, registered at Police Station Jhabal, District Tarn Taran.

Learned counsel appearing for the petitioner would contend that even as per version of the complainant, the present petitioner was attributed a datar blow on his left arm. Counsel by adverting to the document at Annexure P-2 would submit that such version does not find corroboration from the medical record.

Learned State counsel upon instructions from ASI Jasbir Singh also concedes that injury No.2 which has been suffered by the complainant on his left arm has been opined to be simple in nature.

List on 17.05.2017.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

On 9.3.2017, while issuing notice of motion, the following order was passed by this Court in CRM No. M-8025 of 2017:-

“Counsel submits that even as per version of the complainant the present petitioner was stated to be armed with a Dang. No specific injury has been attributed to the petitioner. Further submitted that co-accused Harjit Singh and to whom a Datar blow had been attributed on the left arm, has been granted interim protection in the light of order dated 3.3.2017 passed in CRM No. M-6650 of 2017.

Notice of motion, returnable for 17.5.2017.

To be listed along with CRM No. M-6650 of 2017.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

The following order was passed on 20.3.2017 in CRM No. M-8831 of 2017:-

“Learned State counsel has stated that injury attributed to the present petitioner has been opined to be simple in nature and with the blunt weapon.

List on 17.05.2017.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.

To be list along with CRM-M-6650 of 2017.”

On 16.3.2017, the following order was passed in CRM No. M-8851 of 2017:-

“Counsel would submit that the petitioner's name does not even figure in the FIR and as such, no overt act/injury has been attributed to him. Further contended that Harjit Singh co-accused and who was attributed a datar blow on the left arm of the complainant, has been granted interim protection by this Court in the light of order dated 3.3.2017, passed in CRM No. M-6650 of 2017.

Notice of motion, returnable for 17.5.2017.

To be listed along with CRM No. M-6650 of 2017.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

On 6.4.2017, the following order was passed in CRM No. M-11713 of 2017:-

“Counsel would submit that even though, the name of the present petitioner figures in the FIR and he is alleged to be armed with a Datar but no injury has been attributed to him. Further contended that co-accused Harjit Singh, Balram Singh and Malkeet Singh have been granted interim protection by this Court.

Notice of motion, returnable for 17.5.2017.

To be listed along with CRM No. M-6650 of 2017.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the

Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Balwinder Singh would apprise the Court that all the petitioners in these five connected petitions have since joined investigation.

It has also gone uncontroverted that the injury which has attracted offence under Section 307 I.P.C is attributed specifically to Desa Singh/non-applicant and who has since been arrested.

In the considered view of this Court, custodial interrogation of the petitioners, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 3.3.2017, passed in CRM No. M-6650 of 2017, order dated 9.3.2017, passed in CRM No. M-8025 of 2017, order dated 20.3.2017, passed in CRM No. M-8831 of 2017, order dated 16.3.2017, passed in CRM No. M-8851 of 2017 & order dated 6.4.2017, passed in CRM No. M-11713 of 2017, are made absolute.

Petitions disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

17.05.2017
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Whether speaking/reasoned:	Yes
Whether Reportable:	No