

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 14378 of 2018 (O&M)

Date of decision : 27.4.2018

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Sadhu Singh and another

.....Petitioners

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Ashish Gupta, Advocate
for the petitioners.

Mr. Ramandeep Sandhu, Senior Deputy Advocate General,
Punjab.

Mr. Guninder Singh Brar, Advocate for the complainant.

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H. S. Madaan, J.

This petition for pre-arrest bail has been filed by petitioners Sadhu Singh and Roop Singh, both of them being accused in FIR No. 89 dated 10.8.2017, for offences under Sections 307, 336, 341, 324, 148, 149 IPC and under Sections 25/27 of Arms Act, and Sections 302, 120-B, 201 and 34 IPC and Section 29 of Arms Act, added later on, registered at Police Station Bajakhana, District Faridkot.

Briefly stated facts of the case, as per the prosecution

story are that on 9.8.2017 at about 8.15 P.M. when complainant Harbans Singh alongwith his grandson Harmanjit Singh was talking with Ranjit Singh, near the house of the latter, then a black colour Scorpio vehicle came from the village side, which was being driven by Jaskirat Singh @ Jassi, whereas Jaspal Singh @ Nikka was sitting besides him having a gandasi. Roop Singh was sitting on the rear seat alongwith three unidentified persons. When the Scorpio vehicle stopped near the complainant, then Jaspal Singh @ Nikka gave a gandasi blow to Harmanjit Singh on his head. The complainant and others raised alarm, then assailants ran away alongwith their respective weapons. The complainant and Ranjit Singh took Harmanjit Singh to their house. Thereafter the complainant along with the Balwinder Singh, Major Singh, Gurlal Singh were taking Harmanjit Singh to Civil Hospital, Kotkapura in a vehicle for treatment. On the way, when they passed in front of the house of Jaspal Singh @ Nikka, electric bulb was glowing in his house. Then Jaspal Singh @ Nikka having a .32 bore revolver, Jaskirat Singh @ Jassi having a .315 bore rifle, Roop Singh armed with a .12 bore gun along with 3-4 persons in Scorpio vehicle stopped them. When Major Singh brother of the complainant got down from the vehicle and requested the wrongdoers to allow them to proceed to the hospital for treatment of Harmanjit Singh, then Sadhu Singh raised a lalkara that a lesson be taught to be the complainant side for getting the case registered. Then Jaspal Singh fired shots from his revolver at Major Singh, out of which 3 bullets hit him in his abdomen and one on his arm. Major Singh fell down and then Jaskirat Singh @ Jassi and

Roop Singh also fired from their respective weapons and ran away. Complainant and others took Major Singh and Harmanjit Singh to Civil Hospital, Kotkapura and got them admitted there. However they were referred to GGS Medical College and Hospital, Faridkot. Observing the condition of Major Singh, injured and to get better treatment he was taken to DMC Ludhiana, whereas Harmanjit Singh was left in Medical College and Hospital, Faridkot. Major Singh died on 12.8.2017.

Formal FIR was recorded. After completion of investigation and other formalities, challan against accused Jaskirat Singh @ Jassi, Jaspal Singh @ Nikka and Sikander Singh only was filed, whereas Roop Singh and Sadhu Singh were not challaned and their names were entered in column No. 2 of the final report under Section 173 Cr.P.C. During trial the prosecution had moved an application under Section 319 Cr.P.C. for summoning of Roop Singh and Sadhu Singh as additional accused. That application was accepted by the Additional Sessions Judge, Faridkot, vide order dated 27.2.2018.

Apprehending their arrest, the petitioners have approached the Court of Sessions for grant of pre-arrest bail. However their such petition was dismissed by Additional Sessions Judge, Faridkot vide order dated 30.3.2018, as such they have knocked at the door of this Court craving for grant of similar relief by way of filing the present petition, notice of which was given to the state which has put in appearance through the State counsel.

I have heard learned counsel for the petitioners, learned

State counsel, besides going through the record.

Admittedly, petitioners though named in the FIR, were not challaned by the police on completion of investigation and they were rather found to be innocent. Resultantly their names were reflected in column No. 2 of the said challan.

Since the petitioners have been summoned as additional accused during the trial, therefore, the case has passed the stage where custodial interrogation of the petitioners might have been required.

Counsel for the petitioners states that the petitioners are ready to face the trial. The trial is at initial stage. Its conclusion is likely to take considerable time. Detention of petitioners shall not serve any purpose, therefore, pre-arrest bail be granted to them.

In authority **Bajinder Singh vs. State of Punjab 2015 (3) RCR (Criminal) 950**, by a Coordinate Bench of this Court, in a murder case where the petitioner had been summoned as additional accused to face the trial, pre-arrest bail was granted 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.

A similar view was taken in authorities **Ravi Kumar vs. State of Haryana 2015 (5) RCR (Criminal) 895** and **Kehar Singh vs. State of Haryana 2010 (4) RCR (Criminal) 672**.

Therefore, the petition is accepted. It is directed that on appearance of the petitioners in the Court of Additional Sessions Judge, Faridkot, 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.

27.4.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No