

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

CRM-M-23425-2018 (O&M)

Date of Decision:-3.7.2018

Meharban Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional, Advocate General, Punjab..

GURVINDER SINGH GILL, J.(Oral)

The petitioner Meharban Singh seeks anticipatory bail consequent upon his having been summoned with the aid of Section 319 Cr.P.C. in case FIR No.64 dated 27.12.2016 registered under Sections 302, 307, 148 and 149 of Indian Penal Code, 1860 and Section 25/27/54/59 of Arms Act at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur, Punjab wherein he had initially been kept in column No.2.

The allegations in nutshell are that when the complainant Kawaljit Singh was present in his fields, then the accused Nirmal Singh @ Nima, Kamal Narayan @ J.P., Kawaljit Singh @ Gora, Balraj Singh @ Buri accompanied by two unidentified persons came there with dogs for the purpose of hunting and when the complainant and his father objected to the same, the accused J.P. started abusing him and his father. It is alleged that on the next day i.e. on 26.12.2016 at about 3:30 P.M., when the father of the

complainant was present in his fields, the accused Kamal Naryan Singh @ J.P. fired on the person of Gurmukh Singh. Accused Sucha Singh also fired with the help of his .12 double barrel gun. The present petitioner is also alleged to have fired at the complainant from his pistol hitting on his right wrist. The other accused namely Monu and Amna are also alleged to have fired at the complainant party. Gurmukh Singh died as a result of the aforesaid firing. The matter was investigated by the police. While charge-sheet was presented against the remaining accused, the present petitioner was kept in column No.2. Subsequently after recording of statement of PW-1 Kawaljit Singh, an application was moved by the prosecution under Section 319 Cr.P.C. and the present petitioner was ordered to be summoned. The petitioner apprehending his arrest has filed the present petition seeking grant of anticipatory bail.

I have heard the learned counsel for the petitioner and also the learned counsel for the State.

A perusal of the inquiry report annexed with the petition reveals that during the course of investigation, the police had collected some evidence in the shape of CCTV footage, call details as well as a toll receipt, which suggest that the present petitioner was infact not present at the spot at the time of occurrence and had visited “Vikas Emporium” in Batala City, Lakar Mandi alongwith his friends. The aforesaid position is also corroborated from the call details/tower location and as well as the record of the toll plaza of Amritsar-Pathankot Highway.

In view of the aforesaid position, it would certainly be debatable as to whether the petitioner was indeed present at the place of occurrence or not. The police has, in any case, during the course of investigation found the

petitioner as innocent and had kept him in column No.2.

It has been informed by learned State counsel that the petitioner is not required for any further investigation.

In view of the aforesaid position, in my opinion, it is a fit case for grant of anticipatory bail to the petitioner. Accordingly, the present petition is allowed and it is ordered that the petitioner Meharban Singh is directed to appear before the trial Court within a period of one week from today and to furnish bail bonds/surety bonds to its satisfaction and the trial Court shall release the petitioner on bail.

3.7.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No