

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 25339 of 2017 (O&M)

Date of decision : 19.1.2018

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Sukhbir Singh

.....Petitioner

vs.

State of Haryana

.....Respondent

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

Present: Mr. Arun Gupta, Advocate for the petitioner

Mr. Gaurav Bansal, Assistant Advocate General,
Haryana.

Mr. Dheeraj Mahajan, Advocate for the complainant

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H. S. Madaan, J. (Oral)

This petition for pre-arrest bail has been filed by petitioner - Sukhbir Singh, an accused in FIR No.374 dated 20.04.2017 for offences under Sections 148, 149, 307, 427, 506 IPC and Section 25 of the Arms Act registered with Police Station Thanesar, District Kurukshetra.

In nutshell, the facts of the case are that complainant Om Parkash son of Rameshwar Dutt, resident of Dera Khera had reported

the matter to police of Police Station Thanesar that on 20.4.2017 at about 5:30 p.m., Sukhbir along with Ram Kumar, Sanjeev, Chirag, father of Chirag, Kulwant, Deepu Body builder, Sahil Khan, Jallandhar, Balwan and Sarpanch of village Sandir and 70-80 persons while armed with deadly weapons like lathis, dandas and swords tried to take possession of vacant shamlat land from him and in the process, gun shots were fired. However, when they offered resistance by throwing brickbats, the assailants ran away. On the basis of said statement, formal FIR was registered.

Apprehending his arrest in this case, petitioner – Sukhbir Singh had filed an application for grant of anticipatory bail in the Court of Sessions Judge, Kurukshetra, but his such application was dismissed by the said Court vide order dated 6.07.2017. As such, he has approached this Court by filing the present petition.

I have heard learned counsel for the petitioner and learned State counsel, besides going through the record.

Fortunately, in this case, nobody got injured. There are no allegations that petitioner was carrying any fire arm or he had fired shots there from. He has since joined the investigation. In that way his custodial interrogation is not required since it is not the case of prosecution that he was carrying any weapon at the time of incident, which is required to be recovered. Rather, as per version of the petitioner he was admitted in the hospital at the relevant time. Several of the co-accused have been granted pre-arrest bail, namely, Sunil Kumar, Mehardeen @ Sahil Khan, Sandeep @ Dipu and Sawarn Singh, whereas regular bail has been granted to Hardeep

Singh @ Kalu. Therefore, I find it a fit case to grant pre-arrest bail to the petitioner.

In these circumstances, the interim bail granted to the petitioner vide order dated 17.7.2017 is made absolute, subject to fulfillment of conditions envisaged under Section 438(2) Cr.P.C.

The petition in that way is allowed.

Learned counsel for the complainant has contended that the present petitioner and some of his co-accused are extending threats to the complainant.

Learned State counsel has been directed to look into this fact. Learned State counsel has also been asked to direct the local police to look into such facts and then take necessary action. It is further clarified that in case the petitioner is found to be indulging in any criminal act, after being granted pre-arrest bail vide this order, the order shall be liable to be withdrawn.

(H.S. Madaan)
Judge

19.1.2018

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Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No