

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

**CRM-M-31998-2018
Date of decision: 03.08.2018**

Uttam Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Gursharan K. Mann, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No. 0055 dated 25.04.2018, registered under Sections 307, 353, 186, 148 and 149 of the IPC at Police Station Ajnala, District Amritsar.

Learned counsel for the petitioner submits that as per the allegations in the FIR, a police party, in compliance of the order passed by the Additional Sessions Judge-cum-Presiding Officer, Waqf Tribunal, Amritsar, had gone to hand over the possession of a land to one Ramesh Kumar. It is further stated in the FIR that at the spot, one Gurdeep Singh s/o Mohan Singh came from the Dera of Mohan Singh driving a tractor of red color and on the right mudguard of the tractor, Uttam Singh armed with *Daang*, and on the left mudguard, Jagbir Singh armed with *Daang* along with other co-accused armed with *Daang* and sticks came at the spot. Mohan Singh raised *lalkara* that police party be run over by the tractor, upon which, Gurdeep Singh, who was driving the tractor, with an intention

to kill the police party, drove the tractor towards them, however, the police party escaped by running away.

Learned counsel for the petitioner further submits that no role has been attributed to the present petitioners except that they were present at the spot and during the investigation, conducted by the SP (Investigation), three persons namely Mohan Singh, Jagbir Singh and Gurdeep Singh have already been found innocent and the petitioners had no connection with the land in dispute. It is further submitted that petitioners are in judicial custody since 25.04.2018 and the challan has been presented.

Learned State counsel, on instructions from SHO Paramvir Singh, has not disputed that factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the allegations, invoking the provisions of Section 307 IPC, are levelled against co-accused Gurdeep Singh that he tried to run over the police party with the help of a tractor, who himself has been found to be innocent in the inquiry conducted by the SP (Investigation), this petition is allowed. The petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

August 03, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No