

CRM No. M-48071 of 2017 and other connected petition 1

**Sr. No. 214
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-48071 of 2017 (O&M)

Date of Decision: 16.04.2018

Gurmail Singh and others

... Petitioners

Versus

State of Punjab

... Respondent

CRM No. M-49625 of 2017 (O&M)

Niranjan Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. L.M.Gulati, Advocate,
for the petitioner(s).

Mr. S.S. Sandhu, AAG, Punjab.

Mr. V.K.Sandhir, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of CRM No.M-48071 of 2017 (Gurmail Singh and others Vs. State of Punjab) and CRM No.M-49625 of 2017 (Niranjan Singh Vs. State of Punjab) as both these two connected petitions have been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners herein and arise out of FIR No.79 dated 28.04.2017, under Sections 308, 325, 148 149 of IPC, registered at Police Station Jandiala, District Amritsar.

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While issuing notice of motion, the following order was passed by this Court on 16.12.2017 in CRM No.M-48071 of 2017:-

“Learned counsel for the petitioners states that the petitioners have not been attributed any injury which has been declared as dangerous to life. The grievous injury, if any, has been attributed to co-accused Sukhwinder Singh.

Notice of motion for 23.02.2018.

In the meantime, in the event of arrest of the petitioners, they shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioners shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

On the other hand, notice of motion was issued on 22.12.2017 in CRM No.M-49625 of 2017 in the following terms:-

“Learned counsel for the petitioner states that the petitioner is about 82 years of age and the other co-accused have already been admitted on anticipatory bail vide order dated 16.12.2017 passed in CRM-M-48071-2017 Gurmail Singh and others v. State of Punjab.

Notice of motion.

At this stage, Mr. G.S. Bawa, Advocate has put in appearance on behalf of the complainant and filed his vakalatnama Court which is taken on record. He submits that the petitioner has given injury which is grievous in nature, as there is fracture on the right central lateral incisor tooth.

List on 23.02.2018.

In the meanwhile, arrest of the petitioner is stayed.”

Thereafter on 23.02.2018 Niranjana Singh i.e. petitioner in CRM No.M-49625 of 2017 was directed to join investigation and

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was granted ad interim protection.

State counsel upon instructions from ASI Naresh Kumar apprises the Court that the petitioners in these two connected petitions have since joined investigation.

It has also gone uncontroverted that the grievous injury suffered by the complainant has been attributed to co-accused Sukhwinder Singh (non-applicant) and who has since been arrested.

In view of the above, prayer made in these two petitions is accepted.

Order dated 16.12.2017 in CRM No.M-48071 of 2017 and order dated 23.02.2018 in CRM No.M-49625 of 2017 are made absolute.

Petitions disposed of.

16.04.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No