

CRM-M-5928 of 2018 (O&M)

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

CRM-M-5928 of 2018 (O&M)  
Date of Decision: 04.12.2018

Balwinder Singh

...Petitioner

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present:- Mr. Lovekirat Singh Chahal, Advocate, for the petitioner.  
Mr. Davinder Bir Singh, DAG, Punjab.  
Mr. S.P.S. Sidhu, Advocate, for respondents No.2 and 3.

**RAMENDRA JAIN, J. (ORAL)**

Through this petition under Section 439(2) Cr.P.C. complainant has prayed for cancellation of bail of respondents No.2 and 3 granted vide order dated 17.01.2018 passed in CRM-M-31074 of 2017.

Briefly, respondents No.2 and 3 were arrested in case FIR No.55 dated 02.05.2017 (Annexure P-1) registered under Sections 302, 307, 506, 336, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station Kulgarhi, District Ferozepur, lodged by the petitioner on the allegations that respondents No.2 and 3 along with their 10 more co-accused committed murder of his father Harnam Singh and brother Joginder Singh on 02.05.2017. After completion of investigation, final report under Section 173(2) Cr.P.C. was filed in Court against respondents No.2 and 3 to face trial under bailable offences. Consequently, respondents No.2 and 3 were granted regular bail vide order dated 17.01.2018 passed in CRM-M-31074

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Learned counsel for the petitioner contends that after their release on bail, respondents No.2 and 3 tried to falsely implicate petitioner by moving a false complaint (Annexure P-13) before the police alleging therein that the complainant accompanying three persons came in front of their house and fired shots in the air to scare and force the petitioner-complainant to compromise in the aforesaid FIR registered against them by the petitioner. However, during investigation the said story of respondents No.2 and 3 was found false. Vide Annexures P-15 and P-16, said complaint of respondents No.2 and 3 being false was filed after investigation, specifically observing that respondents No.2 and 3 had tried to falsely implicate the complainant. The above act of respondents No.2 and 3 disentitles them to remain on bail. They may commit some heinous offence or may again try to falsely implicate the petitioner as a counter-blast to the aforesaid FIR and trial which they are facing. In support of his contentions, learned counsel placed reliance on the judgments in **Anil Kumar Yadav v. State (NCT) of Delhi and another**, 2018(1) R.C.R.(Criminal) 90 (S.C.), **Pooja Bhatia v. Vishnu Narain Shivpuri and another**, 2014(2) R.C.R.(Criminal) 354 (S.C.), **Mandata Singh vs. State of Rajasthan and another**, 2004(2) R.C.R.(Criminal) 14 (S.C.), **Ravi Dutt v. State of Haryana and others**, 2005(1) R.C.R.(Criminal) 155 (P&H) and **Gobarbhai Naranbhai Singala v. State of Gujarat and others**, 2008(1) R.C.R.(Criminal) 903 (S.C.).

On the other hand, learned counsel for respondents No.2 and 3, refuting the above contentions of learned counsel for the petitioner, submits that their complaint was wrongly and illegally declared false by the police.

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However, rejection of their complaint by the police does not dis-entitle them to face trial on bail as the role attributed to respondents No.2 and 3 as per final report under Section 173(2) Cr.P.C. falls under bailable offence. No overt act or misuse of bail by respondents No.2 and 3 has come on record till date.

Having given anxious consideration to the rival submissions, this Court finds the instant petition completely devoid of any merit for the reasons to follow.

Respondents No.2 and 3 were granted bail vide order dated 17.01.2018. Since then around ten months have passed. Nothing has been brought on record by the petitioner that respondents No.2 and 3 ever mis-used the concession of bail or did any overt act of frightening him with an intention to compromise or not to depose against them. Simply finding complaint of respondents No.2 and 3 false by the police against the petitioner is not a ground to cancel their bail.

Facts and circumstances of the authorities referred to by learned counsel for the petitioner are distinguishable from the facts and circumstances of the present case. Therefore, no benefit of the same can be given to the petitioner.

In view of above, finding no merit in the instant petition, same is dismissed.

**December 04, 2018**  
R.S.

**(RAMENDRA JAIN)**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No