

CRM-M-5089-2019

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

CRM-M-5089-2019 (O & M)

Date of Decision: 26.02.2019

Harjinder Singh @ Kala Singh and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. A.P.S.Deol, Sr. Advocate with
Mr. Himmat Singh Deol, Advocate,
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Ms. Riffi Bala Birla, Advocate,
for the complainant.

INDERJIT SINGH, J.

CRM-6679-2019

Allowed as prayed for. Annexure P-7 (colly.) is taken on
record, subject to all just exceptions.

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Reply by way of affidavit of Sh. Gurtej Singh Sandhu, PPS,
Deputy Superintendent of Police, Sub Division, Gidderbaha, District Sri
Muktsar Sahib, on behalf of the respondent-State, has been filed in the
Court today. Same is taken on record.

Petitioners-Harjinder Singh @ Kala Singh, Sukhwinder Singh

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@ Dholu, Pritam Singh, Charanjit Singh, Sulakhan Singh, Jaswant Singh, Angrej Singh and Gurdeep Singh have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.77 dated 19.10.2016, registered at Police Station Kotbhai, District Sri Muktsar Sahib, under Sections 302, 307, 379, 436, 336, 427, 324, 323, 148, 149 and 120-B of the Indian Penal Code and Sections 25 and 27 of the Arms Act, 1959.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and complainant has also appeared through his counsel. They contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

Perusal of record shows that in the present case, three persons have died and six persons have received fire-arm injuries. Perusal of record also shows that all the victims have received fire-arm injuries. The case was investigated by the S.I.T. and the present petitioners, who were named in the FIR, were found innocent and kept in column No.2. None of the petitioners was armed with fire-arm weapon and no injury is attributed to them as all the injuries are stated to be caused with fire-arm weapon. Now, the present petitioners have been summoned by the Court under Section 319 Cr.P.C.

Learned counsel for the petitioners submitted that the petitioners are simple villagers, who had gone to Gurudwara to pay obeisance and they have been falsely implicated in the present case.

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Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that the petitioners are not required for custodial or interrogation purposes as they have been summoned under Section 319 Cr.P.C. by the Court and they are only to face the trial. Therefore, no useful purpose will be served by sending or keeping the petitioners to custody till the disposal of the case.

In the facts and circumstances of the present case, I accept this petition and the petitioners are directed to surrender before the trial Court within 10 days from today and on doing so, they shall be released on bail by the trial Court to its satisfaction. If the petitioners fail to surrender before the trial Court within the stipulated period, instant petition qua them shall be treated as dismissed.

However, nothing stated above shall constitute my opinion on merits of the case.

26.02.2019
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No