

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

(I)

CRM-M-13316-2019
Date of Decision:16.7.2019

BALWANT SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

(II)

CRM-M-13278-2019

GURMUKH SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. J.S. Bhandohal, Advocate
for the petitioners.

Ms. Rashmi Attri, AAG, Punjab
assisted by ASI Sukhdev Singh.

Mr. Guninder Singh Brar, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

1. This order shall dispose of the aforementioned petitions filed on behalf of petitioners Balwant Singh and Gurmukh Singh seeking anticipatory bail in respect of FIR No.12 dated 12.1.2018 under

Sections 302, 307, 506 of the Indian Penal Code and Section 25 of Arms Act, Police Station Khanna, District Ludhiana, pursuant to the petitioners having been summoned by the trial Court with the aid of Section 319 Cr.P.C.

2. The FIR was lodged at the instance of Jatinder Singh wherein it has been alleged that on 12.1.2018 when he was at Khanna he received information on his telephone that his father Gurcharan Singh has been shot at on his head by Daljit Singh. The information was further to the effect that after having shot at his father, said Daljit Singh went to the complainant's house in order to kill him as well but nobody was found present and later said Daljit Singh went to other side of the village and fired at Narinder Kaur daughter of Jatinder Singh with an intention to kill her but the shot missed the target. It is further alleged therein that the aforesaid Daljit Singh along with Balwant Singh (petitioner) had earlier been threatening the complainant to kill him.
3. Learned counsel for the petitioners has submitted that the petitioners had earlier been declared as innocent as apparently they were neither present at the spot nor had fired at the deceased and that in these circumstances they deserve the concession bail.
4. Opposing the bail application, learned State counsel assisted by learned counsel for the complainant have submitted that the petitioners are desperate type of persons and that in fact Balwant Singh had earlier made an attempt to kill one Gurwinder Singh

regarding which another FIR was lodged against him. It is further submitted that the petitioners were trying to intimidate complainant party and as a result of which the complainant was constrained to file petition in this Court wherein certain directions as regards his protection were issued.

5. Having considered rival contentions addressed before this Court and while noticing that none of the petitioner, as per FIR is stated to be present when the deceased was fired at, it will certainly be debatable as to whether any liability can be fastened upon the petitioners or not. Learned State counsel upon instructions from ASI Sukhdev Singh has informed that pursuant to interim directions issued by this Court, the petitioners have appeared before the trial Court. In view of the aforesaid position, the petitions are accepted and the interim directions issued vide order dated 25.3.2019 are made absolute with liberty to trial Court to impose any other condition as deemed fit to ensure regular appearance of the petitioners during proceeding of trial.
6. The trial Court is however directed to expedite the conclusion of trial and to ensure that the statement of the complainant is recorded at the earliest. The accused shall cooperate with the proceedings of the trial and shall not make any request for deferring cross-examination of the complainant. In case, it is found that the petitioners are trying to delay the trial or trying to intimidate the witnesses, it shall be open for the complainant to move an

application for cancellation of bail.

7.
- It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

16.7.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No