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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34794-2019
Date of decision-16.11.2019

Paramjit Singh and another

...Petitioners

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. PBS Goraya, Advocate for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Jagjeet Singh, Advocate for the complainant.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioners under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.01 dated 01.01.2019 under Sections 307, 452, 506, 323 and 148 read with Section 149 of Indian Penal Code, 1860 and Sections 25 and 27 of Arms Act, 1959 registered at Police Station Jhabal, District Tarn Taran. The petitioners apprehended his arrest at the hands of Police.

Learned counsel for the petitioners contends that though the present petition for grant of anticipatory bail was filed on behalf of Paramjit Singh and Navdeep Singh, but while issuing notice of motion on 27.08.2019, concession of interim pre-arrest bail was extended to petitioner No.1-Paramjit Singh only. The said order reads as under:-

“Notice of motion for 09.09.2019.

Meanwhile, in the event of arrest, petitioner Paramjit Singh be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, petitioner Paramjit Singh shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioners further contends that in deference to the said order, the petitioner No.1 submitted himself before the Police and joined the investigation. According to him, petitioner No.1 cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Baljit Singh does not dispute this fact that the petitioner No.1 has joined the investigation. Learned counsel on instructions from ASI Baljit Singh further states that the petitioner No.1 is not required for custodial interrogation for the time being.

At this stage, learned counsel for the petitioners submits that petitioner No.2-Navdeep Singh also deserves the concession of pre-arrest bail as no specific injury was attributed to him, though as per FIR, he was armed with kirpan. It is pointed out that co-accused Resham Singh who was allegedly armed with datar has been extended concession of interim pre-arrest bail by this Court today itself through CRM-M-46923-2019.

Learned State counsel has opposed the prayer. However, it is not disputed that the injury inviting the punishment under Section 307 IPC is not attributed to the petitioner. He further submits that as per FIR the dispute between the parties arose because of the political rivalry.

Considering above, the interim bail granted to petitioner No.1-Paramjit Singh by this Court vide order dated 27.08.2019 is made absolute.

Further, it is ordered that in the event of arrest of petitioner No.2-Navdeep Singh by the Arresting Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join investigation as and when called for by the Investigating Officer and would abide by the conditions enshrined under Section 438(2) Cr.P.C. The above order shall not be construed as an opinion on the merits of the case.

Petition is allowed.

(MANOJ BAJAJ)
JUDGE

16.11.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No