

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

1. CRM-M No.49290 of 2019

Jarnail Singh

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M No.53564 of 2019

Gurmit Singh

... Petitioner

Versus

State of Punjab

... Respondent

Date of decision: 16th December, 2019

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Gursimran S. Bhatia and Mr. Gagandeep S. Simble,
Advocates for the petitioners.

Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab
for the respondent/State.

Ms. Satwant Mehta, Advocate for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Both these anticipatory bail applications under Section 438 Cr.P.C., one by accused Jarnail Singh and the other by Gurmit Singh having arisen in the same very case bearing FIR No.104 dated 25.06.2019 under Sections 341, 354, 323, 34 IPC pertaining to Police Station Sadar Tarn Taran, are being taken up for disposal together for the sake of brevity.

The allegations against the petitioners have come about on the complaint of one Sawinder Singh made to the police on 24.06.2019.

In his complaint, the complainant alleges that on 23.06.2019 in the morning around 10:30 a.m. while he along with his wife and children were at home, accused including present petitioners in all numbering 10-15 persons, out of whom 5-7 were unidentified, trespassed in to their house and abducted the wife of the complainant and minor son. It is alleged that while taking away the wife of the complainant, the accused ravaged the lady in the moving vehicle leading to registration of the present case.

Learned counsel for the petitioners Mr. Gursimran Singh Bhatia and Mr. Gagandeep Singh Simble, Advocates inter alia contend that a bare perusal of the allegations levelled in the FIR establishes beyond any doubt that the same are impregnated with falsehood and it was a pure property dispute between the parties and that similarly placed co-accused Sukhwinder Kaur alias Sawinder Kaur, Balwinder Kaur and Kiranpreet Kaur have already been allowed anticipatory bail by this Court vide orders dated 02.11.2019.

On behalf of the State, Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab on instructions from ASI Balbir Singh assisted by Ms.Satwant Mehta, Advocate representing the complainant, though do not differ over the facts but have stoutly opposed the grant of bail on the grounds that being males, they are instrumental in ravaging the female and that recovery of video recorded in their mobile phones needs to be recovered and thus, custodial interrogation is very much essential.

Appreciating the submissions of the two sides, learned State counsel has fairly conceded the fact that offence under Section 376(D) IPC stands deleted during the course of investigations. As is there well elaborated from the records, parties are disputing over a piece of land and it is a case of version and cross-version as has been conceded too at the bar by learned State counsel. Keeping in view the detailed order passed by this Court on 02.11.2019 and without further adverting on to the merits of the case, this Court is of the opinion that it would be a travesty of justice to send the petitioners in custody in the present case. Accordingly, in the event of arrest, the petitioners are ordered to be released on bail to the satisfaction of the Arresting Officer till submission of report under Section 173 Cr.P.C. (challan). They shall continue to join investigation and shall furnish an undertaking that they will abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, the petitioners will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

Both the petitions stand disposed off in those terms.

(FATEH DEEP SINGH)
JUDGE

December 16, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No