

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45853-2019

Date of Decision: 29.10.2019

Harbhag Singh and another

.. Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vipin Mahajan, Advocate for the petitioners.

...

Manoj Bajaj, J. (Oral)

Petitioners Harbhag Singh and Manpreet Singh have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.151 dated 21.12.2018, registered at Police Station Dera Baba Nanak, Batala, District Gurdaspur, Punjab, under Sections 307, 325, 323, 148 and 149 of the Indian Penal Code and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioners has argued that petitioner No.1 was empty handed, whereas petitioner No.2 was allegedly armed with base-ball bat. According to him, the occurrence took place on 25.11.2018, whereas the FIR was lodged after a delay on 21.12.2018. He submits that in the given facts, particularly considering the role of the petitioners, the concession of pre-arrest bail be extended to them.

It needs to be noted here that the prayer for pre-arrest bail by the petitioners before the Court of Sessions was declined on 22.04.2019 and the present petition has been filed after a gap of six months.

At this stage, learned counsel for the petitioners contends that

son of petitioner No.1 had also suffered injury and cross version was recorded on 1.1.2019. However, he was unable to explain the delay in setting up the cross version, but the fact remains that the occurrence is not disputed by the petitioners as according to learned counsel for the petitioners, the parties were exploring the possibility of compromise.

Resultantly, considering the allegations against the petitioners, who were specifically named in the FIR, no case is made out for extending extraordinary concession of pre arrest bail to them. However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

The petition is dismissed.

29.10.2019
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No