

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

CRM-M-55151-2018

Date of Decision:-07.01.2019

Taranjit Singh @ Sonu and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amandeep Singh, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

The petitioners seek grant of anticipatory bail in respect of FIR No.20 dated 16.01.2018 under Sections 302 of Indian Penal Code, 1860 (Sections 148 and 149 of Indian Penal Code, 1860 deleted later on), Police Station Jodhan, District Ludhiana.

The petitioners apprehend their arrest pursuant to order dated 09.05.2018 passed by learned trial Court in exercise of power under Section 193 Cr.P.C. whereby the petitioners have been ordered to be summoned.

The FIR in the present case was lodged at the instance of Gurcharan Singh wherein it has been specifically alleged that Gurpreet

Singh, Taranjit Singh @ Sonu, Amarjit Singh and their nephew Lovely attacked his father with 'Kirpans'. Gurpreet Singh is alleged to have given a blow with 'Kirpan' to complainant's father on the front side of his neck. Taranjit Singh @ Sonu is stated to have hit complainant's father with 'Kirpan' on his face on the left side. Amarjit Singh is alleged to have given a 'Kirpan' blow on the head of complainant's father. It is alleged that due to the said injuries half of the neck of the complainant's father was cut off. It is further alleged that Lovely and two other unknown were present at the spot and were raising 'Lalkara' that complainant's father be not spared. The matter was investigated by the police and upon investigation, challan was filed only against Gurpreet Singh while others were found innocent.

The trial Court vide impugned order dated 09.05.2018 while noticing the facts of the case and the material on record ordered for summoning of the petitioners in exercise of powers under Section 193 Cr.P.C. Apprehending their arrest the petitioners have filed the present petition.

Learned counsel submits that since the petitioners have been summoned with the aid of Section 193 Cr.P.C., they are entitled to be released on bail. Learned counsel in order to hammer forth his submissions places reliance upon Bajinder Singh and another vs. State of Punjab, 2015(3) R.C.R.(Criminal) 950.

On the other hand, learned State counsel has submitted that the complicity of the petitioner is evident as they are specifically named in the FIR and large number of injuries were caused to the victims which proved fatal. Learned State counsel has further informed that in fact the petitioners have been declared proclaimed offenders.

Having considered rival contentions addressed before this Court and while noticing the fact that the petitioners are not only specifically named in the FIR but specific injuries have also been attributed to the petitioners, the opinion of the police that it is only Gupreet Singh who had murdered complainant's father is rather rendered debatable. Further the fact that the petitioners have been declared proclaimed offenders would disentitle them for the concession of anticipatory bail. The petition, as such, is sans merit and is hereby dismissed. However, in case the petitioners choose to surrender before the trial Court within 10 days from today and move an application for grant of bail before the trial Court, the trial Court would endeavour to dispose of the same expeditiously preferably within a period of one week from filing of such application.

(GURVINDER SINGH GILL)
JUDGE

07.01.2019
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No