

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

CRM-M No.11962 of 2020

Date of Decision: May 06 , 2020.

Harchand Sharma and others

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Manish Kumar Singla, Advocate
for the petitioners.

Mr. H.S.Sullar, DAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the pandemic, COVID-19.

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.21 dated 12.03.2020, under Sections 306/34 IPC, Police Station Badali Ala Singh, District Fatehgarh Sahib.

It is contended that the petitioners have been falsely implicated in this case. The dispute, if any, of the deceased (Suresh Kumar) was with co-accused Surinder Sharma and his wife, Kirandeep in regard to a passage to the

house of the deceased. Surinder Sharma, it is submitted, is the paternal uncle (Chacha) of the deceased. Petitioner No.1, who is a senior citizen, is the brother of the grand-father of the deceased. Petitioner No.3 is the nephew of the wife of Surinder Sharma (i.e., Surinder Sharma is *Massar* of petitioner No.3). Petitioner No.2, it is submitted, is not related to the deceased or his family. Moreover, the co-accused Surinder Sharma and his wife, Kirandeep have been afforded the concession of anticipatory bail by this Court in CRM-M No.11972 of 2020 on 05.05.2020. The petitioners, it is submitted, are on a better footing than the said co-accused. They undertake to join investigation as and when required and to face the proceedings and not misuse the concession of anticipatory bail, if confirmed. Therefore, it is prayed that this petition be allowed.

Learned counsel for the State is unable to deny that co-accused, Surinder Sharma and his wife, Kirandeep have been afforded the concession of anticipatory bail in CRM-M No.11972 of 2020. Learned counsel for the State is further unable to distinguish the case of the present petitioners from the co-accused, Surinder Sharma and Kirandeep to the detriment of the petitioners. It is verified that the petitioners are not involved in any other criminal case and custodial interrogation of the petitioners is not required.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. The petitioners shall join investigation as and when required by the investigating agency and shall fully cooperate in the investigation of this

case. In the event of their arrest, petitioners be released on bail to the satisfaction of Investigating Officer. Petitioners shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

May 06 , 2020.
'om'

(**LISA GILL**)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No