

209/A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16670-2021

Date of Decision: 31.08.2021.

Gurmeet Singh and Ors

...Petitioners

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr.NirmaljeetSingh Sidhu, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case GDR No. 31 dated 12.02.2021 registered under Sections 341, 347, 325, 323, 506, 148 and 149 and GDR No.28 dated 9.03.2021 further enhanced under Section 379-B at Police Station Balianwali, District Bathinda (arising out of FIR No.15 dated 11.02.2021, under Sections 307,324, 323 and 34 of the IPC and Sections 25/27 of the Arms Act 1959 at Police Station Balianwali, District Bathinda.

3. On 16.04.2021, the following order was passed:-

“The petitioners are seeking anticipatory bail under Section 438 Cr. P.C. in case GDR No. 31 dated 12.2.2021 under Sections 341, 347, 325, 323, 506, 148, 149 IPC (offence enhanced to Section 379-B IPC) registered at Police Station Balianwali, District Bathinda.

It has been stated by learned counsel for the petitioner that at the instance of Gurmeet Singh-petitioner, FIR No. 15 dated 11.2.2021 under Sections 307, 323, 324, 34 IPC and Sections 25 and 27 of the Arms Act was registered at Police Station Balianwali, District Bathinda on account of fire arm

injuries inflicted by Avtar Singh upon Kulwinder Singh. The cross version case has been falsely registered on the allegations that the petitioners along with the co-accused had inflicted injuries upon the person of Jaspal Singh and Avtar Singh. Furthermore at the time of occurrence, a sum of Rs.5,000/- fell from the pocket of Jaspal Singh, the complainant.

It has been stated that at the first instance the cross-version case against the petitioner was registered under Sections 341, 347, 325, 323, 506, 148 and 149 IPC and after a period of 25 days the offence under Section 379-B IPC has been added on the basis of substantially same allegations only to enhance the gravity of allegations against the petitioner. Furthermore, co-accused namely, Mahinder Kaur, Rimple Kaur and Lalo have been granted interim pre-arrest bail by the Co-ordinate Bench of this Court in terms of the order dated 9.4.2021 passed in CRM-M-15774-2021 and the bail application under Section 438 of Cr.P.C. of Avtar Singh, co-accused in the FIR registered at the instance of petitioner No.1 has been dismissed in terms of the order dated 8.4.2021 passed in CRM-M-14095- 2021. Avtar Singh and other co-accused in the FIR were aggressors and the petitioners have been falsely implicated in the cross-version case.

Notice of motion.

Mr. H.S.Multani, AAG Punjab accepts notice on behalf of the respondent-State.

Mr. Lupil Gupta, Advocate has filed vakaltnama on behalf of complainant, Jaspal Singh and states that there were 10 injuries on the person of Jaspal Singh, complainant and 5 injuries on the person of Avtar Singh.

Be that as it may, the injuries alleged to have been inflicted pertain to the bailable offences and furthermore, the co-accused have been granted interim bail.

To be heard along with CRM-M-15774-2021 on 11.5.2021.

Meanwhile, it is directed that in the event of arrest, the petitioners be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that they join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

4. Today, learned counsel for the petitioners contends while learned State counsel on instructions from *ASI Kewal Singh* confirms that pursuant to the order of this Court dated 16.04.2021, the petitioners joined investigation, fully cooperated with the police, were released on an interim pre arrest bail and that their custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 16.04.2021, passed by this Court, is made absolute. The petitioners shall abide with the conditions contained in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

6. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

31.08.2021

Manju

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>