

**CRM-M-29316-2019 and
CRM-M-47979-2019 -1-
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-29316-2019
Date of Decision: 29.06.2021**

(I)
Malkeet Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-47979-2019

(II)
Rajinder Kumar and another

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.S. Bhatia, Advocate, for the petitioners.

Mr. Randhir Singh Thind, Deputy Advocate General, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

These two petitions are being taken up together as they arise

from the same FIR.

Criminal Miscellaneous No.29316 of 2019 has been filed by one Malkeet Singh whereas Criminal Miscellaneous No.47979 of 2019 has been filed by Rajinder Kumar and Kuldip Singh.

As per the allegations which have been contained in the FIR, the FIR was lodged on the basis of an information made by police officials that when they were coming on their private car on patrolling in search of bad elements, then the police party was going from Gujarpura to Nigam Colony then from the side of Nigam Colony one Innova Car white colour on putting lights of their car on that car then three persons were riding the car saw the police party in uniform then they immediately started reversing the car in full speed, in that event they took car backward for about 200/300 meter and then hit with electricity pole and great loss was caused to Innova car. Thereafter, ASI along with police party tried to round by the Innova Car and then from the car person sitting in the middle gave two direct fire at police party with intention to kill and the police party saved their lives by laying down on the floor. Due to collision with electric pole the number plate of the vehicle fell on the road and the number plate was taken into custody by the police.

The learned counsel for the petitioner has submitted that in the present case this Court vide order dated 22.08.2019 in Criminal Miscellaneous No.29316 of 2019 and order dated 13.11.2019 in Criminal Miscellaneous No.47979 of 2019 had granted interim protection to all the petitioners. He submitted that in pursuance of the interim orders all the petitioners have joined and they are co-operating with investigation process.

He submitted that the present FIR is totally an abuse of the process of law

because the present FIR is planted upon the petitioners. He submitted that it is a case where nobody has been injured even as per the prosecution story and by going by the allegations contained in the FIR fires were allegedly shot by some person. However, during investigation no empty cartridges etc. or any such incriminating material was found on the spot and therefore, the entire FIR was a concocted story in order to implicate the petitioners in false case due to enmity with the police. He has submitted that the interim orders were passed in the present case in the year 2019 and till that date the petitioners have been co-operating with the investigation process and has therefore prayed for the grant of anticipatory bail.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted on instructions from ASI Avtar Singh that it is correct that the petitioners in pursuance of the orders passed by this Court had joined investigation and they had co-operated with the investigation process. However, an objection has been raised by the learned State Court that the petitioners have not surrendered the weapons which they have used in the alleged crime.

I have heard the learned counsel for the parties.

So far as the joining of investigation in pursuance of the orders of this Court is concerned, the same has not been disputed by the learned State Counsel. However the objection has been raised by the learned State counsel is that the weapons by which the fire were shots have not been submitted by the petitioners. However, it is a case of the petitioners that the FIR is a purely concocted story and no material was found including any kind of empty cartridge at the spot. This factual position has also not been controverted by the learned State counsel. Furthermore, it would also be a

matter of trial as to whether the petitioners have committed any offence or not. At the stage of consideration for deciding anticipatory bail it has to be seen on the face of it as to whether the petitioners should be granted the protection of anticipatory bail or not on the basis of the material available on record and the averments made by the parties. The main allegation which has been contained in the FIR was that fire arms were shot by some persons who were later on identified as petitioners but it has been brought to the notice of this Court that no empty cartridges or any material was found on the spot.

In view of the above, this Court is of the considered opinion that this is a fit case for grant of anticipatory bail to the petitioners. The petitioners shall continue to co-operate with the investigation process as and when required by the police.

In above of the above, both the petitions are allowed. The order dated 22.08.2019 passed in Criminal Miscellaneous No. 29316 of 2019 and order dated 13.11.2019 passed in Criminal Miscellaneous No. 47979 of 2019 are hereby made absolute.

29.06.2021
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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