

In virtual Court

CRM-M-40436-2021

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

**CRM-M-40436-2021 (O&M)
Date of decision: 28.09.2021**

Heera Singh @ Hardeep Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S. Khehar, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.170 dated 08.11.2020 under Sections 380, 34 IPC (offences under Sections 307, 452, 427, 148, 149 IPC and Sections 25/27 of Arms Act have been deleted vide GD No.23 dated 02.03.2021), registered at Police Station Rangar Nangal, District Gurdaspur.

Learned counsel for the petitioner, at the very outset, relies upon the order dated 06.04.2021 passed in CRM-M-495-2021, vide which two co-accused of the petitioner, namely Gurbhej Singh @ Gulab Singh @ Gulabo and Sandeep Singh, were granted the concession of anticipatory bail, by passing the following order: -

“...The operative part of the order dated 07.01.2021, vide which the petitioners have been granted interim bail, is reproduced below: -

“Learned counsel for the petitioners submits that as per allegations in the FIR, the complainant deals in selling and purchasing cattle and the petitioners, along with 40/50 other persons, came there on two tractor trollies. Some of them were armed with fire arm weapons and they entered into the house of the complainant and started taking away his buffaloes. When they were stopped, a scuffle took place and co-accused Hira Singh shot a fire, however, nobody was injured.

Learned counsel further submits that it is further alleged in the FIR that 20 buffaloes and an amount of Rs.2 Lakh were taken away by the accused persons.

Learned counsel further submits that it is a case of no injury and no specific role has been attributed to the petitioners. It is further submitted that Additional Sessions Judge, vide order dated 15.12.2020, has granted interim bail to petitioners with a direction to join investigation, however, later on, the same was dismissed only on the premise that petitioners have failed to cooperate in investigation.

Learned counsel for the petitioners further submits

that on an earlier occasion, the complainant was caught to be selling adulterated milk, however, there was a compromise (Annexure P-2) between the parties, according to which, the complainant had owned to pay a sum of Rs. 6 Lakh to dairy owners in case he sells adulterated milk in future and the petitioners have been falsely implicated in the present FIR because they were witness to the said compromise.

Learned counsel further submits that petitioners are still ready to join investigation and cooperate with the police.

Notice of motion for 06.04.2021.”

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 07.01.2021, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the State, on instructions from ASI Amarjit Singh, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.”

Learned counsel for the petitioner submits that though the petitioner is named in the FIR with the allegations that he has fired a shot from his pistol, however, during inquiry, the police found that no such incident took place and even no empty cartridge was found from the spot to support the

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version, therefore, vide GD No.23 dated 02.03.2021, all other Sections except Sections 380, 34 IPC stand deleted.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, DAG, Punjab accepts notice on behalf of the respondent-State while Mr. A.S. Manaise, Advocate has appeared on behalf of the complainant.

Learned State counsel, assisted by learned counsel for the complainant, has, however, submitted that the petitioner is named in the FIR and there are direct allegations against him.

Be whatsoever, considering the aforesaid facts and also in view of the fact that Section 307 IPC along with Sections 452, 427, 148, 149 IPC and Sections 25/27 of Arms Act stand deleted, this petition is allowed and the petitioner is granted the concession of anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

**[ARVIND SINGH SANGWAN]
JUDGE**

28.09.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No