

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51763-2021 (O&M)
Date of decision: 13.12.2021

Gurcharan Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of anticipatory bail in DDR No.31 dated 19.10.2019 under Sections 324, 323, 148, 149 IPC (Section 307 IPC was added later on), registered at Police Station Zira, District Ferozepur, in FIR No.107 dated 18.10.2019 under Sections 302, 324, 323, 148, 149 IPC, registered at Police Station Zira, District Ferozepur.

The first petition for grant of anticipatory bail filed by the petitioner was dismissed vide order dated 25.01.2021, by passing the following order: -

“On 18.02.2020, the following order was passed by this Court:-

“Through this petition, the petitioners seek anticipatory

bail in cross-case DDR No.31 dated 19.10.2019, under Sections 324, 323, 148 and 149 IPC and Section 307 IPC (added later on), in FIR No.107 dated 18.10.2019, registered at Police Station Zira, District Ferozepur, under Sections 302, 324, 323, 148 and 149 IPC.

Learned counsel for the petitioners contends that petitioner No.1, Gurpreet Singh @ Gora, who was allegedly armed with dang, has not inflicted any injury, whereas petitioner No.2, Gurcharan Singh, who was empty-handed, has been allegedly attributed lalkara and petitioner No.3 has been allegedly attributed three injuries i.e. on the index finger and thumb of left hand of Bohar Singh and on the right hand of Joginder Singh. Learned counsel further contends that it is a case of version and cross-version and Mandeep Singh, one of the accused in FIR No.107 dated 18.10.2019, has been granted ad interim pre-arrest bail by this Court vide order of even date passed in CRM-M-7215-2020.

Learned State counsel admits the fact that petitioner No.1 has not been attributed any injury and petitioner No.2 has attributed only lalkara. He states that three injuries have been attributed to petitioner No.3.

Learned counsel for complainant states that it was petitioners No.2 and 3, Gurcharan Singh and Inderjit

Singh, who had started the fight.

Adjourned to 14.07.2020.

Meanwhile, the petitioners are directed to join the investigation and if they are sought to be arrested, they shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.”

Counsel for the State, assisted by counsel for the complainant/respondent No.2 has opposed the prayer for bail on the ground that the petitioners have misused the concession of bail as on 20.07.2020, the son of the complainant has been murdered by the petitioners' side and an FIR No.0174 dated 20.07.2020 under Sections 302, 148, 149 IPC and 25/27 of the Arms Act, has already been registered at Police Station Sadar Patti, District Tarn Taran, against the petitioners and other accused.

Counsel for the State has also submitted that the petitioners are absconding in the said FIR and they are wanted and the police is unable to arrest them on account of interim protection granted to them in the present case, vide order dated 18.02.2020.

After hearing the counsel for the parties, considering the fact that the petitioners, after getting interim anticipatory bail in the present FIR, have again committed a crime by murdering the son of the complainant/respondent No.2 and another FIR No.0174

dated 20.07.2020 under Sections 302, 148, 149 IPC and 25/27 of the Arms Act, has already been registered at Police Station Sadar Patti, District Tarn Taran, against the petitioners, I find no ground to allow this petition...”

Learned counsel for the petitioner submits that new ground for filing this second petition is that when the challan was presented in FIR No.174, the petitioner was kept in column No.2.

Be whatsoever, I find that no new ground is made out to grant the concession of anticipatory bail to the petitioner.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

13.12.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No