

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

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CRM-M-10732-2022

Date of Decision : **August 29, 2022**

GURWINDER SINGH @ RUBI

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

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CRM-M-10778-2022

INDERJIT SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. H.P.S.Sandhu, Advocate
for the petitioner.

Mr. Amit Rana, Sr. Deputy A.G., Punjab.

Mr. G.S.Madan, Advocate
for the complainant.

JASGURPREET SINGH PURI. J. (Oral)

Both these cases are taken up together for final disposal with the consent of learned counsels for the parties since they arise from the same FIR i.e. FIR No. 110 dated 14.9.2021 under Sections 307, 379B, 458, 336, 232, 447, 448, 511, 506, 427, 148, 149 IPC and Sections 25 and 27 of Arms Act, Police Station Sadar Raikot, District Ludhiana.

The learned State counsel on instruction from ASI Sukhjeet Singh states that in pursuance to the orders passed by this Court on 5.4.2022 passed in both the cases, the petitioners have already joined the investigation. He submitted that, however, allegedly the petitioners have

snatched double barrel gun from the security guard alongwith some live cartridges but the same has not been recovered.

The learned counsel for the petitioners has submitted that it is a case where the allegations against the petitioners are that they had tried to forcibly take the possession of the marriage palace. He submitted that the petitioner-Inderjit Singh is the father of other petitioner, namely, Gurwinder Singh @ Rubi and false allegations were levelled against him that he tried to take forcible possession of the marriage palace and tried to snatch the double barrel gun from the security guard. He further submitted that the complainant and the petitioner were thick friends and the petitioner, namely, Inderjit Singh normally resides in Canada and thereafter the relations turned sour with regard to the partnership of the marriage palace and thereafter even a civil suit filed by the complainant is pending before the Civil Court. He submitted that during investigation neither any live cartridges were recovered nor any kind of material is available with the police to connect the petitioners with the present case. He further submitted that there is no evidence with the Investigating Agency to show that the petitioners have tried to snatch any weapon from anybody. He submitted that be that as it may, the petitioners have already joined the investigation and such kind of objection made by the learned State counsel is not sustainable.

Mr. G.S.Madan, Advocate has also appeared on behalf of the complainant and has opposed the grant of anticipatory bail to the petitioners on the ground that both the petitioners had tried to snatch the gun from the security guard.

I have heard the learned counsels for the parties.

In pursuance of the orders passed by this Court on 5.4.2022, both the petitioners have already joined the investigation as per the learned State counsel. So far as the objection raised by the learned State counsel as well as by the learned counsel for the complainant that the recovery of double barrel gun which the petitioners have allegedly snatched from the security guard is concerned, the same has been

disputed by the learned counsel for the petitioners that it was a false allegation against the petitioners because there is nothing before the Investigating Agency to show that the petitioners have ever done the aforesaid action of snatching gun. The learned counsel for the petitioners has submitted during the course of argument that it is a matter of evidence which is to be seen at the time of the trial as to whether the petitioners have tried to take forcible possession of the marriage palace or not. The argument raised by the learned counsel for the petitioners does carry weight. The objection which has been taken by the learned State counsel as well as by the learned counsel for the complainant is not sustainable in the absence of any cogent reason or the material available with the police to suggest that the petitioners had forcibly tried to snatch the double barrel gun except the statement made by the complainant.

In view of the aforesaid position, both the petitions are allowed and orders dated 5.4.2022 in both the cases are, hereby, made absolute.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petitions only.

August 29, 2022

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**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No