

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-21547-2022 (O&M)
Date of Decision:- 23.5.2022

Bugga Singh and others

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. V.K.Sandhir, Advocate, for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Kuldeep Singh.

GURVINDER SINGH GILL, J. (Oral)

CRM-19395-2022

In view of the reasons mentioned in the application, the same is
allowed as prayed for.

CRM-19396-2022

In view of the reasons mentioned in the application, the same is
allowed as prayed for and Annexures A-1 and A-2 are taken on record
subject to all exceptions.

CRM-M-21547-2022 (O&M)

1. The petitioners have approached this Court seeking grant of
anticipatory bail in respect of a case registered against them vide FIR

No.49, dated 29.5.2018, Police Station Bhindi Saidan, District Amritsar, under Sections 302, 148, 149 IPC.

2. The FIR was lodged at the instance of Bira Singh wherein it is alleged that on 18.5.2018 at about 9 am his cousin Gurdev Singh, Baldev Singh, Bagga, Geeta, Lakha, Deva Singh and Manga Singh were fighting amongst themselves. When he alongwith his father Joginder Singh being their relatives tried to intervene, then Gurdev Singh, Baldev Singh, Bagga, Geeta, Lakha and Deva who were standing on the roof, started throwing bricks and stones. As soon as complainant's father went in the street, Gurdev Singh challenged that he was interfering in their dispute related to wall and all of them started throwing bricks and stones at his father injuring him and who ultimately succumbed to his injuries.
3. Learned counsel for the petitioners has submitted that the matter was investigated by the police and initially challan was filed against three accused namely Gurdev Singh, Hardev Singh and Baldev Singh, while petitioners were kept in column No.2. It has further been submitted that during the course of trial of the three accused who were challaned, complainant Bira Singh as well as the other star witness i.e. PW-2 Amarbir have absolutely resiled from their statements and infact PW-1 Bira Singh has categorically stated that all the assailants were having their faces muffled. It has been submitted that since a period of almost 4 years has elapsed, no useful purpose would be served by arresting the petitioners at this belated stage.

4. On the other hand, learned State counsel has submitted that at no point of time the petitioners were found innocent and that the reason for mentioning their names in column No.2 was on account of the fact that they had not been arrested and investigation was still going on qua them. It has further been submitted that as of now the police has sufficient evidence against them and intends to present a challan against the petitioners as well.
5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that the petitioners are specifically named in the FIR. However, a perusal of the testimonies of PW-1 Bira Singh i.e. the complainant and PW-2 Amarbir Singh does show that they have not supported the case of prosecution at all. So much so PW-1 has gone to the extent of saying that his father had received brick-bat injuries at the hands of unknown persons with muffled faces.
7. Even PW-2 Amarbir Singh has categorically stated that the person present in the Court were not the persons who caused injuries on the person of grand-father Joginder Singh as these persons are known to him being co-villagers. Bearing in mind the aforestated position and the fact that it has been almost 4 years ever since the lodging of the FIR, this Court is of the opinion that it is not a case warranting custodial interrogation as the fate of the case particularly in view of the statement of PW-1 is seriously affected. The petition, as such, is accepted and the petitioners, in the event of their arrest be released on bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the

petitioners shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

8. It is however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

23.5.2022
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No