

216 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23401 of 2022(O&M)

Date of Decision: 18.11.2022

Lakhvir Singh @ Kala Singh & Anr.

...Petitioners

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. N.S. Dandiwal, Advocate
For the petitioners.**

Mr. C.L. Pawar, DAG Punjab.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioners under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 27 dated 26.03.2020, registered under Section 302 IPC at Police Station Nihal Singh Wala, District Moga.

Counsel for the petitioners *inter alia* submits that the petitioners have been falsely implicated in this case; that the petitioners were not named in the FIR which was registered on the basis of the statement of complainant Gurmail Singh; that even in the supplementary statement of said Gurmail Singh the petitioners were not named. The counsel for the petitioners further submits that after completion of investigation police presented the challan against accused Harbhajan Singh who was named in the FIR and thereafter trial was commenced and during trial complainant Gurmail Singh appeared in the witness box as PW1 and for the first time the name of the petitioners

surfaced in the said testimony of complainant. That thereafter prosecution moved an application under Section 319 Cr.P.C. to summon the petitioners and some other persons as additional accused and the same was allowed by the trial Court. That the petitioners apprehending their arrest have filed the present petition. The counsel for the petitioners further submits that in compliance of the previous order of interim bail dated 26.05.2022 the petitioners have joined the proceedings before the trial Court. The copy of the order whereby the presence of the petitioners has been marked in the trial Court, is produced and the same is taken on record.

The aforesaid factual position has not been controverted by the State counsel. Even in the status report dated 29.10.2022 filed by way of affidavit of Manjit Singh, Deputy Superintendent of Police, Nihal Singh Wala District Moga it has been observed that complainant never named anyone except Harbhajan Singh @ Bittu, during the course of investigation.

In the light of the above, as the petitioners have joined the proceedings before the trial Court, the present petition is allowed and order of interim bail dated 26.05.2022 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C. The petitioners should appear before the trial Court on each and every date of hearing.

18.11.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No