

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

CRM-M-7718 of 2023 (O&M)
Date of Decision: April 12, 2023

Bagga Singh and others**...Petitioners**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. B.S. Jaswal, Advocate for the petitioners.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)
CRM No.11381 of 2023

This is an application seeking permission to place on record enquiry report Annexure P.6. Enquiry Report Annexure P.6, which was conducted by Superintendent of Police (Investigation), Amritsar (Rural). The said enquiry report is sought to be produced in compliance of the order dated 14.02.2023 passed by this Court.

Application is allowed. Annexure P.6 is taken on record.

CRM-M-7718 of 2023

Reply of the main petition in the form of affidavit of Shri Parvesh Chopra, Deputy Superintendent of Police, Sub-Division Attari, Amritsar (Rural) on behalf of the respondent has been filed.

Petitioners are seeking pre-arrest bail in case FIR No.9 dated 13.01.2019 registered at Police Station Bhindi Saidan, District Amritsar under Section 302/34 IPC, in which they have been summoned to face trial under Section 319 Cr.P.C. vide order dated 26.10.2022 passed by learned Additional Sessions Judge, Amritsar.

As per prosecution allegations, on account of some land

dispute, co-accused Nanak Singh, who was armed with a krich (small knife) along with three petitioners, who are the family members of Nanak Singh, entered the house of Sucha Singh. Petitioner – Guro raised lalkara whereas petitioners Bittu Singh and Bagga Singh allegedly caught hold hands of Dharam Singh and then Nanak Singh gave two blows of krich to Dharam Singh resulting in his death. During investigation, the three petitioners were found innocent. However, during trial against co-accused Nanak, complainant – Swaran Kaur appeared as a witness as PW1 and deposed against the petitioners also and on that basis, application under Section 319 Cr.P.C to summon the petitioners so as to face trial with co-accused was allowed.

It is rightly pointed out by learned counsel for the petitioners that as per the order dated 26.10.2022, proclaimed offender proceedings were going on against the petitioners and, they were actually not declared proclaimed offenders as was noticed by this Court on 14.02.2023.

Apart from above, petitioners have placed on record the enquiry report dated 29.07.2019 (Annexure P.6) which was conducted by Superintendent of Police (Investigation), Amritsar, persual of which reveals that on the application made by Gurmeet Kaur wife of Baga Singh, the said inquiry was conducted in which both the sides were joined including the complainant Swaran Kaur and it was concluded that it is only Nanak who had participated in the crime so as to cause murder of Dharam Singh.

Apart from above, petitioners have been summoned under Section 319 Cr.P.C., so, it is evident that they are not required for any custodial interrogation and so, no purpose shall be served by sending them behind bars. Petitioners are ready to face trial as stated by learned

counsel.

Keeping in view all the facts and circumstances noted above, the petition is accepted. All the three petitioners are directed to be released on bail on their surrender before the trial Court within 15 days from today, on their furnishing personal and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned on necessary conditions as per law.

April 12, 2023
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(DEEPAK GUPTA)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No