

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

Sr. No.207

CRM-M-14974-2023 (O&M)

Date of Decision : May 17, 2023

Gurdial Singh @ Gurdiyal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sultan Singh Gill, Advocate, for the petitioner.
Mr. Kamalpreet Bawa, AAG, Punjab.
Mr. Rajinder Kumar Singla, Advocate, for the complainant.

SUDHIR MITTAL, J. (ORAL)

CRM-20475-2023

This application has been filed for placing on record Annexure P-4 and for exemption from filing thereof.

For the reasons stated therein, the application is allowed. Annexure aforementioned is taken on record. Exemption is granted.

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The petitioner seeks anticipatory bail in FIR No.249, dated 02.06.2020, registered at Police Station Jhabal, District Tarn Taran, under Sections 302, 506, 341, 120-B IPC (petitioner is summoned only under Sections 302, 506, 34 IPC and Sections 25 & 27 of Arms Act, 1959).

2. The aforementioned FIR was registered on account of murder of Dilbagh Singh and Lal Singh sons of Bahal Singh. The petitioner is the younger brother of Bahal Singh and was alleged to have fired with a .315 bore rifle.

3. Learned counsel for the petitioner has submitted that in the challan presented by the police, the petitioner had been declared innocent.

He has been summoned as an additional accused in an application filed

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under Section 193 Cr.P.C. Till date, the petitioner has not absconded from the law and therefore, he deserves to be granted anticipatory bail.

4. Status report filed on behalf of the State is on record, according to which, the petitioner had been declared innocent in the challan presented by the police, even though it was alleged in the FIR that he had also fired at the deceased persons.

5. Learned counsel for the complainant submits that the petitioner was declared innocent without any valid reason and without conducting proper investigation as is evident from the order dated 08.08.2022 passed in the application under Section 193 Cr.P.C. The said order also records that the deceased had been shot at with a .315 bore weapon. Eye-witnesses who are none other than the real brother and bhabhi of the petitioner have also implicated the petitioner. Thus, the police was not justified in declaring the petitioner innocent. Being a case of double murder, the petitioner does not deserve the concession of anticipatory bail.

6. Prime facie, it appears that the police had exonerated the petitioner without carrying out a proper investigation even though evidence available suggested that the deceased had been fired at with a .315 bore weapon and eye-witnesses who are closely related to the petitioner had also implicated him. A double murder has been committed and considering the serious nature of the offence, no ground is made out to grant anticipatory bail.

7. The petition is dismissed.

May 17, 2023*Ankur***(SUDHIR MITTAL)
JUDGE**