

2023:PHHC:148981

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

Date of Decision: 22.11.2023
CRM-M-56658-2023

SUKHWANT SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CRM-M-56703-2023

TALBIR SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vikas Gupta, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Surinder Sharma, Advocate
for the complainant.

VIVEK PURI, J.(ORAL)

1. On 09.11.2023, the following order was passed:-

“1. The petitioners are seeking anticipatory bail in the case bearing FIR No. 140 dated 03.08.2023 under Sections 447/506/323/354/148/149 & 325 IPC (added later on) and Sections 25/27 of the Arms Act registered at Police Station Sadar Tarn Taran, District Tarn Taran.

2. Learned counsel for the petitioners contend that there is delay of 23 days in lodging the FIR and no injury has been attributed to the petitioners. All the offences except the offence under Section 354 IPC and Sections 25 and 27 of the Arms Act are bailable. The allegations with regard to commission of offence under Section 354 IPC have not been attributed to the petitioners. The petitioners are relatives of Sampuran Singh, co-accused, who is in civil litigation with the complainant party. Although, Sukhwant Singh, petitioner is stated to be armed with .315 pistol but the same has not been used at the time of alleged occurrence. Similarly placed co-accused, Amritpal Singh and Amandeep Singh, have been granted interim bail by this Court.

3. Notice of motion.

4. Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of the respondent-State.

5. Mr. Surinder Sharma, Advocate, has joined the proceedings on behalf of the complainant.

6. Learned counsel for the complainant submits that there were negotiations for compromise which have resulted in delay in lodging the FIR. The recovery of weapon is to be effected from the

petitioners. It has also been submitted that there are photographs with regard to the occurrence which indicated the presence of the petitioners at the spot.

7. Learned State counsel submits that no photographs have been submitted till date.

8. Adjourned to 22.11.2023.

9. In the meanwhile, the petitioners are directed to join investigation and in the event of their arrest, they shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.

10. To be heard alongwith CRM-M-55045-2023.

11. Photocopy of this order be placed on the connected file.”

2. Learned counsel for the petitioners contend that in pursuance of interim directions issued by this Court, the petitioners have joined the investigation.

3. Learned State counsel, on instructions from SI Jaspal S. Dhillon, submits that the petitioners have joined the investigation but recovery of tractor and .315 pistol has to be effected from Sukhwant Singh, petitioner.

4. Faced with this situation, learned counsel for the petitioners contend that the petitioner is not the owner of the tractor and even he is not having any weapon or arms licence. Moreover, there is nothing to indicate that the pistol was used at the time of occurrence.

5. Learned State counsel on the instructions from SI Jaspal S. Dhillon, has not disputed the fact that the petitioner is not registered owner of the tractor and further having no arms license.

6. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 09.11.2023, vide which the petitioners have been granted interim bail, is made absolute.

7. Petitions are allowed.

22.11.2023

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Whether speaking/reasoned : Yes/No

(VIVEK PURI)

JUDGE

Whether Reportable: Yes/No