

202

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3119-2024
Date of Decision: 15.04.2024

Jashandeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CRM-M-2397-2024

Jagseer Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Baljinder Singh, Advocate,
for the petitioner in CRM-M-3119-2024.

Mr. Nandan Jindal, Advocate,
for the petitioner in CRM-M-2397-2024.

Mr. A.S. Pannu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. Both petitions have been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioners and are being taken up together for final disposal with the consent of the learned counsels for the petitioners, since both the petitions arise out of the same FIR bearing No.110 dated 14.09.2021, under Section 307, 379-B, 458, 336, 323, 447, 448, 511, 506, 427, 148, 149 IPC and Sections 25 & 27 of the Arms Act (Section 195/199 IPC were added later on), registered at Police Station Sadar Raikot, District Ludhiana Rural.

2. In both the cases, the petitioners were granted interim anticipatory bail vide order dated 18.01.2024 in CRM-M-2397-2024 and vide order dated 20.01.2024 in CRM-M-3119-2024.

3. Today, Mr. A.S. Pannu, learned AAG, Punjab submitted on instructions from ASI Kewal Singh that in pursuance of the aforesaid orders, both the petitioners have joined the investigation. He has however submitted that the snatched gun has not been recovered and for that purpose, the custodial interrogation of both the petitioners is required.

4. However, both the learned counsels for the petitioners submitted that it is a case where the petitioners were implicated after about one year of the incident on the basis of a disclosure statement of the co-accused and in fact in the present case, the main accused are Gurwinder Singh @ Rubi and his father, namely, Inderjit Singh, who had a dispute with the complainant pertaining to a marriage palace and both the aforesaid co-accused have already been extended the benefit of anticipatory bail which was made absolute by way of a common order passed by this Court on 29.08.2022 vide Annexure P-7 and submitted that both the petitioners are rather at better footing as compared to that of the aforesaid two co-accused. They further submitted that even otherwise also a perusal of the aforesaid order dated 29.08.2022 (Annexure P-7) would show that even the stand which was taken by the State was that the gun of the security guard was snatched by the aforesaid two co-accused and the petitioners were not even in picture and they were not named in the FIR. They further submitted that since the petitioners have already joined the investigation, the interim bail granted to them may be made absolute.

5. I have heard the learned counsels for the parties.

6. It is a case where there was a dispute regarding a marriage palace and the main dispute was between two co-accused, namely, Gurwinder Singh @ Rubi and Inderjit Singh, who have since been granted anticipatory bail by this Court. The name of the petitioners were nominated after about one year of the incident on the basis of the disclosure statement of the co-accused. The argument raised by the learned State Counsel that the gun has not been recovered, cannot disentitle the petitioners for grant of anticipatory bail in view of the fact that a perusal of the aforesaid order (Annexure P-7) would show that the aforesaid two co-accused had allegedly snatched the rifle from the security guard and even otherwise also it is a case of no injury to anybody. Therefore, this Court deems it fit and proper to grant anticipatory bail to both the petitioners.

7. Consequently, both the petitions are allowed and the orders dated 18.01.2024 and 20.01.2024, respectively, whereby the petitioners were directed to join the investigation, are hereby made absolute.

15.04.2024
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No