

CRM-M-37400-2023

2024:PHHC:050404

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203 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37400-2023

DATE OF DECISION:-15.04.2024

Chamkaur Singh @ Chamkor Singh and another

...Petitioners.

Vs.

State of Punjab

...Respondent..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. PKS Phoolka, Advocate,
for the petitioners.

Mr. Athar Ahmed, DAG, Punjab.

Mr. J.K. Singla, Advocate,
for the complainant.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Sections 438 Cr.P.C., prayer has been made for grant of anticipatory bail to the petitioners in case FIR No.144, dated 11.08.2022, registered under Sections 302, 450, 323, 148, 149 and 506 IPC, at Police Station Bhikhi, District Mansa, whereby, petitioner No.1 was implicated for having given kirch blow on the backside of left bicep of injured-Dilpreet Singh, whereas, petitioner No.2 caught hold of the deceased while his other accomplices inflicted fatal blows upon the person of deceased-Shunty Singh.

2. Learned counsel for the petitioners submits that though the petitioners were initially arrested by the Investigating Agency, however, they were declared innocent and released. Later on, upon deposition of the complainant before the Trial Court, an application under Section 319

Cr.P.C. was moved, wherein, the petitioners were summoned as additional accused vide order dated 07.07.2023. Hence, the present petition.

3. The prayer made herein has been opposed at the instance of learned State counsel as well as learned counsel representing the complainant while submitting that the petitioners played active role in the incident in question and thus, do not deserve the concession of anticipatory bail.

4. I have heard learned counsel for the parties and gone through the paper book.

5. A perusal of record shows that the petitioners were though found innocent at the time of filing of the final report before Illaqa Magistrate on 07.11.2022, however, they were later summoned as additional accused vide order dated 07.07.2023 passed by the Trial Court in an application filed under Section 319 Cr.P.C.

6. As per the role attributed to the petitioners in the FIR as well as in the statement of complainant (PW-1), petitioner No.1 gave kirch blow on the backside of left bicep of injured-Dilpreet Singh, whereas, petitioner No.2 caught hold of the deceased while his other accomplices inflicted fatal blows to the deceased.

7. Considering the role attributed to the petitioners, the prayer made on behalf of petitioner No.1 is allowed and he is directed to surrender before the trial Court within a period of 07 days from today and the Court concerned is requested to accept his bail/surety bonds to its satisfaction. However, considering the role attributed to petitioner No.2, this Court is not convinced to grant him the concession of anticipatory bail.

8. To this, learned counsel for the petitioners does not press

the present petition qua petitioner No.2 and submits that petitioner No.2 would surrender before the Trial Court within a period of 07 days from today and move an appropriate application for regular bail.

9. In view of the submissions made above, in case petitioner No.2 surrenders within a period of 07 days from today and moves an application for grant of regular bail, the Court concerned is requested to consider the same within a week thereafter.

10. The present petition stands disposed of in the aforesaid terms.

15.04.2024
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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned:	Yes/No
whether reportable:	Yes/No