

2024:PHHC:120826



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236 CRM M-44028 of 2024
Date of Decision: 13.09.2024

Harjeet Singh ...Petitioner
Versus
State of Punjab ... Respondent

103 CRM M-45559 of 2024

Amritpal Singh ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Amaninder Singh Sekhon, Advocate
for the petitioners.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. This order shall dispose off two petitions, i.e.,
CRM M-44028-2024 titled as “**Harjeet Singh Vs. State of Punjab**” and CRM M- 45559 of 2024 titled as “**Amritpal Singh Vs. State of Punjab**”, whereby, the petitioners have prayed for grant of anticipatory bail in case FIR No. 38 dated 24.06.2024 under Sections 307, 148 and 149 of IPC and Section 25/27/54/59 of Arms Act at Police Station Sadiq, Tehsil and District Faridkot.

2. Learned counsel for the petitioners contends that both the petitioners were allegedly present at the spot, however, they were not armed with any weapon. He further contends that it has been falsely alleged that Amritpal Singh had exhorted all other accused to cause injuries to the injured in the present case. He further contends that it is a case of version and cross-version and question of aggressor is yet to be decided by the trial Court. Learned counsel for the petitioners contends that in the present case, the main injuries attributed to Talwinder Singh, co-accused, who had allegedly fired at the right shoulder of the injured, namely, Sarabjeet Singh. He further contends that no recovery is to be effected from the petitioners and petitioners are ready to join the investigation in the present case. Learned counsel for the petitioners has also relied upon the order dated 03.09.2017 (Annexure P-7), whereby, the anticipatory bail petition of Gursharan Singh has been allowed by this Court.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioners on the ground that there are serious allegations against the petitioners and the petitioners are not entitled for the concession of regular bail. Learned State counsel submits that both the petitioners were part of unlawful assembly, which had fired a shot by using an illegal weapon.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, as per the story of the prosecution, Amritpal Singh had exhorted to all his co-accused to cause injuries to Baljeet Singh whereas Harjeet Singh petitioner was stated to be simply present at the place of the occurrence. The case of both the petitioners is at par with the case of Gursharan Singh, co-accused, who has already been admitted to anticipatory bail by this Court vide order dated 03.09.2017 (Annexure P-7).

6. In view of above, without commenting any further on the merits of the case, the present petitions are allowed. The petitioners are granted concession of anticipatory bail, subject to the conditions as provided under Section 482(2) of the the Bharatiya Nagarik Suraksha Sanhita, 2023. It will be open for the Investigating Officer to call the petitioners to join investigation, if so required, by issuing a written notice in this regard and they shall abide by the conditions mentioned in Section 482(2) of the BNSS,2023.

13.09.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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