
(2013) 08 P&H CK 0004

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-19450 of 2013

Shiv Lal and Others

APPELLANT

Vs

The State of Punjab

RESPONDENT

Date of Decision : 08-08-2013

Acts Referred:

Arms Act, 1959 — Section 25, 27
Criminal Procedure Code, 1973 (CrPC) — Section 438(2)
Penal Code, 1860 (IPC) — Section 120B, 148, 149, 186, 201
Prevention of Damage to Public Property Act, 1984 — Section 3

Citation : (2013) 08 P&H CK 0004

Hon'ble Judges : Naresh Kumar Sanghi, J

Bench : Single Bench

Advocate : Baltej Singh Sidhu, for the Appellant; K.S. Pannu, DAG, Punjab, for the Respondent

Final Decision : Allowed

Judgement

Naresh Kumar Sanghi, J.—The present petition for grant of anticipatory bail was filed by the petitioners, namely, Shiv Lal, Harbhajan Singh, Baltej Singh, Major Singh, Gurcharan Singh, Baldev Kaur, Kulwinder Singh, Avtar Singh, Sikandar Singh, Harcharan Singh, Rajinder Singh, Swarn Singh, Jagsir Singh @ Jagga, Iqbal Singh, Amardeep Singh and Harmeet Singh, who have been booked for having committed the offences punishable under Sections 120-B, 148, 186, 201, 307, 323, 324, 332, 336, 341, 353, 382, 427, 435, read with Section 149, IPC; Sections 25 and 27 of the Arms Act; and Section 3 of the Prevention of Damage to Public Property Act, 1984, in a case arising out of FIR No. 65, dated 19.05.2013, registered at Police Station, Lambi, District Sri Muktsar Sahib. Vide order dated 17.06.2013, the present petition qua petitioner Nos. 2, 6, 7, 14 and 15, namely, Harbhajan Singh, Baldev Kaur, Kulwinder Singh, Iqbal Singh and Amardeep Singh, respectively, was dismissed.

2. Learned counsel contends that the remaining petitioners have joined the investigation and have not been assigned any specific role except petitioner No.

13, Jagsir Singh @ Jagga, who alleged to have thrown a stick inside a car which was later on set on fire.

3. Learned counsel for the State, on instructions from ASI Tirlok Singh, Police Station, Lambi, District Sri Muktsar Sahib, very fairly concedes that the names of petitioner Nos. 1, 3, 4, 5, 9, 10, 12 and 16, namely, Shiv Lal, Baltej Singh, Major Singh, Gurcharan Singh, Sikandar Singh, Harcharan Singh, Swarn Singh and Harmeet Singh, did figure in the FIR but no specific role has been assigned to them. He further submits that petitioner No. 13, Jagsir Singh @ Jagga has also been named in the FIR and it has been alleged against him that he threw a stick inside a car which was later on set on fire. So far as petitioner Nos. 8 and 11, namely, Avtar Singh and Rajinder Singh, are concerned, they have been assigned the role of firing shots in the air but concededly no one has received injuries.

4. Heard.

5. It was the election day and a lot of villagers were present at the spot for casting their votes. A quarrel had taken place between the workers" of two political parties. Petitioner Nos. 1, 3, 4, 5, 9, 10, 12 and 16, namely, Shiv Lal, Baltej Singh, Major Singh, Gurcharan Singh, Sikandar Singh, Harcharan Singh, Swarn Singh and Harmeet Singh, have not been assigned any specific role except their presence on the spot. Petitioner No. 13, Jagsir Singh @ Jagga, is stated to have thrown a stick inside a car which was later on set on fire. The veracity of such statement is yet to be tested during the investigation and trial.

6. Keeping in view the totality of the facts and circumstances of the case and the fact that petitioner Nos. 1, 3, 4, 5, 8, 9, 10, 11, 12 and 16, namely, Shiv Lal, Baltej Singh, Major Singh, Gurcharan Singh, Avtar Singh, Sikandar Singh, Harcharan Singh, Rajinder Singh, Swarn Singh and Harmeet Singh, have joined the investigation and are no more required by the Investigating Agency for any other purpose, the present petition is allowed and the order dated 17.06.2013 passed by this Court whereby the ad-interim bail was granted to petitioner Nos. 1, 3, 4, 5, 8, 9, 10, 11, 12, 13 and 16, namely, Shiv Lal, Baltej Singh, Major Singh, Gurcharan Singh, Avtar Singh, Sikandar Singh, Harcharan Singh, Rajinder Singh, Swarn Singh, Jagsir Singh @ Jagga and Harmeet Singh, is made absolute. The said petitioners shall continue to join the investigation as and when required to do so and abide by all the conditions laid down u/s 438(2), Cr.P.C.