

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

**CRM-M-10683 of 2015
Date of decision : 20.04.2015**

Gulzari Lal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.L.S.Lakhanpal, Advocate
 for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

DARSHAN SINGH,J (Oral).

This is the second petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of the anticipatory bail filed by petitioner-accused Gulzari Lal in case FIR No. 9 dated 29.01.2015, under Sections 307, 450, 323 read with Section 34 of Indian Penal Code and Section 25 of the Arms Act, Police Station Kot Bhai, District Sri Mukatsar Sahib.

As per the prosecution allegations, complainant Charanjit Singh has a dispute with petitioner Gulzari Lal, Gurewak Raj and Sukhdeep Rani with respect to the Shamlat land lying in front of his main gate. Petitioner Gulzari Lal alongwith his co-accused came in the disputed land and started abusing the complainant and threatened to take the possession thereof. Complainant came at the main gate of his residence. Petitioner raised a Lalkara. His co-accused Gursewak Raj and

Sukhdeep Rani caused injuries to the complainant with their respective weapons. In the meanwhile, petitioner took out a pistol and fired at the complainant in order to kill him, which hit on his left thigh. Paramjeet Kaur the wife of the complainant raised alarm and his brother Parampal was attracted to the spot. Thereafter, the petitioner along with co-accused fled away from the spot.

Learned counsel for the petitioner contended that the present case has been got registered falsely by complainant Charanjit Singh as a counter blast as 5-7 days prior to this occurrence a criminal case was got registered against the complainant party. This case has only been got registered in order to pressurize the petitioner in order to compromise in that case. He further contended that the medical evidence does not support the ocular version. There is a material contradiction in the ocular and medical evidence. As per the medical evidence, there was blackening around the wound which suggest that it was a close range firing. But, no bullet/pellet has been recovered from the body of the complainant, which falsify the prosecution version. He contended that the petitioner is being harassed due to political influence of the complainant party and is entitled for grant of anticipatory bail.

On the other hand learned State counsel pleaded that the petitioner is the main accused in this case. He has caused a fire arm injury with intention to kill the complainant. The weapons of offence is yet to be recovered. So, he does not deserves the concession of anticipatory bail.

The aforesaid contentions have been duly considered.

It is the settled proposition of law that the anticipatory bail is

an extra ordinary privilege which can only be granted in exceptional cases. The contentions raised by learned counsel for the petitioner that the present case is a counter blast of the case earlier got registered by the accused party against the complainant party, that the complainant is being pressurised for effecting compromise in that case and that there are contradictions in the medical and ocular evidence are the questions of fact touching the merits of the case, which can only be adjudicated upon at the final stage of the case on appreciation of evidence.

There are categoric allegations against the present petitioner that he has fired shot from his pistol at the complainant which hit on his left thigh. The fire arm injury is also supported from the medical evidence. So, the present petitioner has caused a fire arm injury to the complainant. The pistol used in the occurrence by the petitioner is yet to be recovered which may require his custodial interrogation. It is settled principle of law that where the custodial interrogation is needed for the effective investigation of the crime, it is not desirable to grant the concession of the anticipatory bail. As the custodial interrogation is always much result oriented.

Thus, keeping in view of my aforesaid discussion, the petitioner has not been able to make out the exceptional case for grant of benefit of the anticipatory bail and the same is hereby dismissed.

20.04.2015

s.khan

**(DARSHAN SINGH)
JUDGE**