

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

CRM-M-16333 of 2015.

Date of Decision: June 29, 2015.

Amninder Singh alias Nabbi

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Sanjay Gupta, Advocate for the petitioner.

Mr. A.S. Klar, Assistant Advocate General, Punjab.

SNEH PRASHAR, J.

The petitioner is named as an accused in case First Information Report No.52 dated 14.07.2012 under Sections 307, 323, 341, 148 and 149 of the Indian Penal Code (in short, "I.P.C.") and 25/27/54/59 of the Arms Act, 1959, registered at Police Station Haryana, District Hoshiarpur. The accusation against him was that he had fired at complainant Hardeep Singh. His co-accused also fired and caused injuries to complainant Hardeep Singh and his companions.

Heard the submissions made by Mr. Sanjay Gupta, learned counsel representing the petitioner and A.S. Klar, learned Assistant Advocate Advocate General, representing the State of Punjab.

It was submitted on behalf of the petitioner that the First

Information Report in respect of the incident was got registered by complainant Hardeep Singh after almost one month. The petitioner is in Army and after availing his annual leave was on his return journey to the place of his posting and on the night of 15.06.2012 had stayed at an Army Camp at Jammu. Learned counsel further contended that the nature of the injuries suffered by the complainant was simple and during the inquiry held by Superintendent of Police (D), Hoshiarpur, he was found innocent. Submitting that the petitioner has been falsely roped in, learned counsel contended that he be given the concession of anticipatory bail.

The application was opposed by Mr. A.S. Klar, learned Assistant Advocate General representing the State of Punjab. He submitted that the petitioner is the main accused who had fired twice towards the complainant from a pistol and the weapon used during commission of offence is to be recovered from him.

The First Information Report may have been registered on 14.07.2012 but the medico legal report of complainant Hardeep Singh, copy of which has been produced on file by learned Assistant Advocate General, Punjab, shows that he was medico legally examined at C.H.C. Haryana on 15.06.2012 at 9 p.m. The occurrence is stated to have taken place on the same day i.e. 15.06.2012 at about 8:35 p.m. As per the medico legal report, complainant Hardeep Singh had suffered four injuries among which injuries no.1 and 2 were opined to have been caused with a fire arm weapon. Prima facie the said injuries in the First Information Report were attributed to the petitioner.

As far as the factum of stay of the petitioner in an Army camp at Jammu on the night of 15.06.2012 is concerned, that will be a matter to be considered at the time of decision of the case on merits. At this stage, the fact of importance is that it is not the case of the petitioner that he was present at his place of posting on 15.06.2012. In fact, he was on annual leave from 17.05.2012 to 15.06.2012 as stated in the application.

In view of the aforesaid facts and circumstances and least any expression above may prejudice the case of either side, in my considered opinion, there being serious allegations against the petitioner, no case for granting concession of anticipatory bail to the petitioner is made out. Recovery of weapon used in crime is to be effected for which his custodial interrogation is necessary. Hence, the present petition is dismissed.

(SNEH PRASHAR)
JUDGE

June 29, 2015
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