

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

CRL. MISC. No.M-19939 OF 2015 (O&M)
DATE OF DECISION : 29th July, 2015

Bhag Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

* * * *

Present : Mr. Jasdeep Singh Gill, Advocate for the petitioner.

Mr. Amritpal Singh Gill, Assistant Advocate General, Punjab.

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SURINDER GUPTA, J. (ORAL)

This petition has been filed for grant of anticipatory bail to the petitioner in case bearing FIR No.129 dated 08.05.2015 registered at Police Station Patti, District Tarn Taran for offences punishable under Sections 307, 148 read with 149 IPC and 25 of the Arms Act.

Heard.

The FIR in this case was registered on the complaint of Vijay Kumar wherein he has stated that the petitioner along with some other persons came to his shop on 08.05.2015 and asked for new mobile phone. After seeing the mobile he took away the same without making the payment and when asked to make payment he got infuriated and started hurling abuses. After some time he again enter the shop along with some other persons who were armed with weapons, took the mobile and tried to go out. When brother of the complainant asked for payment he fired a shot with his pistol towards brother of the complainant, who put down his hand

towards the floor and the fire hit the counter and wall of the shop. The persons accompanying the petitioner also aimed their weapons towards the complainant and his brother and then left the spot, hurling abuses.

Learned counsel for the petitioner argues that it is a case of political rivalry. The petitioner has been involved in so many cases as his father was also a political personality and fought election against the candidate of the ruling party. He further submits that the allegation in the FIR cannot be believed as the petitioner and his accompish who are armed with weapons, as per the allegation of the FIR, could fire the shot to kill the complainant or his brother if they had any intention to do so. In the seven cases, registered against the petitioner so far, he has been acquitted in four cases and facing trial in three cases.

Learned State counsel submits that the shot in this case was fired at the brother of complainant over the dispute of the price of mobile, which the petitioner has selected from his shop. The shot fired by him hit the wall and counter of the shop of complainant and shell was also recovered from the shop. He further submits that against the petitioner ten other cases have been registered under various sections of IPC and 25 of the Arms Act. The list of cases, as supplied by learned state counsel, is as follows:

Sr. No.	FIR No.	Dated/Year	Offence under Sections	Police Station
1.	64	22.08.1998	358, 332, 186 IPC and 25 Arms Act	Khem Karan
2.	68	07.09.1999	325, 307, 506, 323 IPC read with 34 IPC	Khem Karan
3.	10	17.01.2001	326, 325, 324, 323 IPC	Khem Karan
4.	95	18.05.2001	304, 500 read with 34	Bhikhi Pind

			IPC and 25 Arms Act	
5.	102	28.05.2001	25 Arms Act	Bhikhi Pind
6.	29	2001	445, 379 & 511 IPC	Valtoha
7.	94	2005	382 read with 34 IPC	Bhikhi Pind
8.	288	22.12.2013	18 NDPS Act	Kot, Asr
9.	216	04.11.2013	307 & 148 read with 149 IPC	Tarn Taran
10.	129	08.05.2015	307 & 148 read with 149 IPC and 25 Arms Act	Patti

Learned counsel for the petitioner strongly refute the submissions about the registration of ten cases. He submits that only seven cases have been registered against the petitioner. He has also shown copy of judgment passed in case bearing FIR No.305 dated 25.11.2012, registered at Police Station Patti, in which the petitioner has been acquitted. However, this case does not find mentioned in the above list.

The petitioner is alleging political reasons for the last 17 years for his involvement in various cases. However, he has not levelled any allegation of animus against the complainant or has alleged that the complainant also belong to some political party. It has become a fashion to give political tilt/colour to every incident to show that accused are victim of political rivalry.

Keeping in view the above facts and circumstances and the allegations levelled in the FIR as referred above, I find no reason to extend benefit of anticipatory bail to the petitioner.

The petition has no merits. Dismissed.

29th July, 2015
'raj'

(SURINDER GUPTA)
JUDGE