

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

CRM-M-18317-2016 (O&M)

Date of decision : 19.08.2016

Harjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Veneet Sharma, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by SI Reshamjit Singh.

Mr. H.S. Dhillon, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in case FIR No.69 dated 24.05.2015 under Sections 307 and 148 read with Section 149 IPC and Sections 25 and 27 of the Arms Act, registered at Police Station Raja Sansi, Amritsar City.

Heard.

On 25.05.2016, the following order was passed:-

“Petitioner seeks concession of pre-arrest bail in case FIR No.69 dated 24.05.2015, under Sections 307/148/149 IPC and Sections 25/27 of the Arms Act, registered at Police Station Raja Sansi, Amritsar City, District Amritsar.

Counsel would contend that it is a case of version and crossversion. FIR was registered on the statement of Balbir Singh in relation to an occurrence that took place on 24.05.2015. Injured is Sakattar Singh. It is contended that the injury that has attracted offence under Section 307 IPC has been specifically attributed to co-accused, Indarpal Singh on

account of a firearm injury suffered by Sakattar Singh on his face. Further contended that insofar as the present petitioner is concerned, he has been attributed a pistol shot and which hit Sakattar Singh on his right arm and such injury is simple in nature.

Notice of motion, returnable for 19.08.2016.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.

From the perusal of the X-ray report (Annexure P-3), it is made out that the injury attributed to the petitioner is not a firearm injury, whereas, in the FIR, it is reflected that a gun-shot injury was given. The issue would remain a moot point before the trial Court.

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 25.05.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

19.08.2016
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No

ATUL SETHI
2016.08.19 18:14
I attest to the accuracy and
authenticity of this document
Chandigarh