

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

CRM No. M-26386 of 2016

DECIDED ON: SEPTEMBER 26, 2016

RAI SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Nandan Jindal, Advocate
for the petitioner.

Mr. P.S. Paul, DAG, Punjab.

Mr. Preetwinder Singh Dhaliwal, Advocate
for the complainant.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioner has sought pre-arrest bail in case FIR No. 35 dated 14.06.2016 under Sections 307, 148, 149 of IPC and Section 25/27 of Arms Act registered at Police Station Mehal Kalan, District Barnala

At the very outset, it has been submitted by learned State counsel on instructions from HC Balwant Singh that in compliance of order dated August 03, 2016, petitioner has already join the investigation. However, during arguments learned State counsel assisted by Mr. Preetwinder Singh Dhaliwal, Advocate for the complainant, has submitted that a specific role has been attributed to the present petitioner. He further submits that petitioner fired from

.12 bore gun towards Labh Singh after snatching the same from one Jagsir Singh, which resulted into infliction of injury on his right leg (below the knee). But Labh Singh in his supplementary statement recorded on July 08, 2016 has stated that the gun was taken by Rai Singh-petitioner from one Shamsher Singh. The entire version which has emerged during the course of investigation is contradictory one. Moreover, it has also been stated by learned State counsel that during the investigation of this case the gun has been recovered from one Jagsir Singh and not from Shamsher Singh. One fact is evident that petitioner has joined the investigation and the gun has already been sent to FSL to ascertain whether any gun shot has been fired from the said gun.

Taking in to consideration the above-said aspects but without expressing any opinion on the merits of the case, order dated August 03, 2016 is hereby, made absolute and shall enure during the pendency of trial.

However, petitioner shall be abide by all the terms and conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

SEPTEMBER 26, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned *Yes/No*

Whether Reportable *Yes/No*