

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

CRM-M- 34948 of 2016 (O&M)

Date of decision: 06.12.2016

Sukhwinder Singh @ Sukha

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. K.B Raheja, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Bikram Singh.

Mr. Parvesh Sachdev, Advocate
for respondent No.2 and
complainant/injured-Gursewak Singh.

Mr. Vikram Satpaul, Advocate
for complainant/injured Pyara Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.196 dated 22.11.2014, registered under Sections 148, 302, 307, 323 read with Section 149 of IPC and Section 25 & 27 of Arms Act, at Police Station Makhu, District Ferozepur.

It is contended that the petitioner did not cause any injury to the deceased. The learned counsel refers to the testimony of

complainant, Partap Singh wherein he has stated that the petitioner has been declared innocent by the investigating agency as he was shown to be not present on the spot. He also refers to Annexure P-4, the duly sworn affidavit by complainant, Partap Singh wherein he has stated that due to misunderstanding, he named the petitioner and co-accused. In pursuance of order dated 19.10.2016, the petitioner has joined the investigation. In support of his contentions, the learned counsel cites **Bajinder Singh and another** Vs. **State of Punjab** 2015(3) RCR (Criminal) 950 and **Sukhdev Singh** Vs. **State of Punjab**, 2009(5) RCR (Criminal) 767.

On the other hand, the learned State counsel submits that there is a categorical statement of injured, Gursewak Singh that he was shot by the petitioner.

The learned counsel for respondent No.2 submits that the affidavit of respondent No.2 was obtained under pressure. He has filed another duly sworn affidavit to state the fact that the affidavit (Annexure P-4) was obtained under force.

Heard.

Though there are some contradictions in the version of complainant/respondent No.2, however, the version of the injured, Gursewak Singh duly supports the prosecution case. It is to be noticed that there is no deviation at any point of time with the version of injured, Gursewak Singh. There does not seem to be any

motive as to why the complainant would shield the real culprit. There is no delay in lodging the FIR, therefore, the suggestion that petitioner has been falsely implicated cannot be considered at this stage. The absolvment by the police deserved to be ignored in view of the summoning order passed by the competent Court.

Thus, keeping in view the above facts and circumstances, no case for anticipatory bail is made out, at this stage. The ratio of case laws cited by the learned counsel for the petitioner is distinguishable on facts and will not apply in the present case.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

06.12.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No