

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-39306 of 2016

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Date of decision:21.11.2016

Samual

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Rakesh Kumar, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

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Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No.73 dated 23.10.2015 registered for the offences under Sections 307, 323, 148 and 149 IPC and Section 25 of the Arms Act at Police Station Dhilwan, District Kapurthala.

Notice of motion has been issued in this case.

Ms. Shivali, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned Assistant Advocate General, Punjab appearing for the respondent-State and have gone through the record.

From the record, I find that the FIR in the present case has been got registered by the present petitioner Samual as a complainant. As per the allegations, he has stated that Davinder Singh Chatra had taken out one country made pistol from (Dub) and fired on him, with an intention to kill, which hit on his left shoulder. It is also in the FIR that one Deepak Kumar also suffered gun shot injuries. During investigation, the statement of Deepak Kumar-injured had been recorded on 12.12.2015 in which he stated that the injuries have been caused by Harpreet Singh and false FIR has been lodged. The present petitioner has not caused any injury to anybody. These facts are to be determined by the trial Court. The petitioner is not required for custodial interrogation. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case, I accept this criminal miscellaneous petition and in the event of arrest, the petitioner shall be admitted to bail on his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

November 21, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No