

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-44159 of 2015 (O&M)
Date of Decision: 29.04.2016

Ashwani Kumar @ Gaggi

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. F.S. Virk, Advocate for the petitioner.

Mr. D.S. Virk, A.A.G., Punjab.

Mr. M.S. Bajwa, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.203 dated 14.11.2015 under sections 336, 337 I.P.C (section 307 I.P.C was added later on) and sections 25, 27, 54, 59 of Arms Act, registered at Police Station, Sadar, District Patiala.

Counsel for the parties have been heard.

It may be noticed that F.I.R came to be registered on the statement of Harjit Singh in relation to an occurrence that took place on 13.11.2015. Allegations are that a *Jagrata* function had been arranged in the street and at about 12.30 A.M some devotees were dancing in such function and at that point of time the present petitioner son of an ex-Sarpanch came out of his house armed with a .12 bore gun and fired four shots in the air. Further alleged that petitioner/accused fired another shot and which hit the complainant Harjit Singh on his hand.

The present petition came up for preliminary hearing on 8.1.2016 and the following order was passed by this Court:-

“FIR was initially registered under Sections 336 and 337 IPC and under Section 25/27/54/59 of the Arms Act. It is submitted that offence under Section 307 IPC has been added subsequently and without there being any MLR. Such assertion has not been rebutted by the learned State Counsel on instructions from ASI Kuldep Singh.

List on 01.03.2016.

In the mean while petitioner to appear before the Investigating Officer/Arresting Officer on 18.01.2016.

In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

1. That he shall make himself available for interrogation by a police officer as and when required;

2. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

3. That he shall not leave India without prior permission of the Court.”

Learned State counsel upon instructions from ASI Sukhdev Singh would apprise the Court that the petitioner has since joined investigation.

Court has also been informed that an opinion has been given by the doctor at Rajendra Govt. Hospital, Patiala in terms of which a gun shot injury has been suffered on the right hand of the complainant and such injury even though declared as grievous but has been opined to be not dangerous to life.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 8.1.2016, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

29.04.2016

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