

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

CRM-M-32508 of 2017

Date of Decision: September 13, 2017

Rajbir Singh

.....**PETITIONER(s).**

VERSUS

State of Punjab and others

.....**RESPONDENT(s).**

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Joginder Pal Devgan, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

This is second petition filed by Rajbir Singh seeking anticipatory bail in case FIR No. 51 dated 3.6.2016 registered for an offence punishable under Sections 302, 307, 323, 411, 414, 148, 149 of Indian Penal Code read with Sections 25/27/29 of Arms Act, at Police Station Rajasansi, District Amritsar. The earlier petition filed by him bearing number CRM-M-23811 of 2017 was withdrawn by his counsel after addressing arguments.

The instant FIR was registered on the statement of Pardeep Singh son of Kashmir Singh wherein he has stated that he along with Malkiat Singh, his brother, was going on his motor cycle to his village. When they reached about ½ kms ahead of Gurudwara Morcha Sahib, at about 6.30 p.m. (on 3.6.2016), a swift car came at a high speed from behind and hit the motor cycle, as a result of which complainant and his brother fell towards canal side. From that swift car five persons, namely, Ranjit Singh son of Balkar Singh armed with 315 bore rifle, Bikramjit Singh son of

Ranjit Singh armed with 12 bore gun, Karamjit Singh son of Joga Singh

armed with pistol, petitioner Rajbir Singh who was having small weapon with him and their son in law, who was driving the car, came out and started firing at the complainant and his brother, who ran on the side of canal to save their lives. Malkiat Singh suffered fire arm injuries on his chest and fell on the ground. The complainant took shelter behind the bushes and saw that all the accused fired on and below chest and face of Malkiat Singh and then sped away from the place of occurrence in their swift car. As per complainant, the motive of occurrence was that brother of complainant had killed a person of accused party about five years back and to take revenge they have murdered Malkiat Singh and also caused injuries to complainant.

Learned counsel for petitioner has argued that as per report of ballistic expert, the deceased had suffered fire arm injuries from the shot fired from 12 bore gun. Three persons named in the FIR have already been arrested. The petitioner has falsely been implicated and even the fire arm in his possession has not been described and there is no serious allegations against him. He is ready to join investigation. The motive of his false implication is the previous litigation between the parties.

On giving careful thought to the submissions of learned counsel for petitioner, I find no reason to extend benefit of pre-arrest bail to the petitioner in this case which is based on eye witness count of the complainant. The petitioner has been specifically named in the FIR. It has been alleged that he had also fired at the deceased and complainant. The mere fact that type of fire arm which the petitioner was having is not mentioned in the complaint is no reason to discard the statement of complainant. It is quite possible that complainant though had seen the fire arm in the hand of petitioner but could not determine its type and make.

The allegations against the petitioner are quite serious in nature and his custodial interrogation is required in this case.

Keeping in view the above facts and circumstances, this petition is dismissed.

September 13, 2017
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(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>