

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

**CRM No.M-971 of 2017 (O&M)
Date of Decision: July 05, 2017**

Harpreet Singh alias Happy

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Prateek Pandit, Advocate
for the petitioner.

Mr.Gaurav Garg Dhuriwala, Sr. DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

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

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

As per prosecution version, initially the FIR was registered on

the statement of Samuel, in which it is stated that on 22.10.2015 at about

6.30 p.m., Davinder Singh Chatra was giving beating to a young boy. After about 10 minutes, accused Davinder Singh Chatra threatened the complainant with dire consequences. The complainant told this to Harpreet Singh @ Happy, who accompanied the complainant to leave him at his house. When they were present in the main bazaar, then Davinder Singh Chatra along with Amandeep Singh @ Rinku, Bagga and 8-10 other boys, stopped the complainant and gave injuries. Thereafter, Davinder Singh Chatra took out the country made pistol and fired shot with intention to kill the complainant, which hit him on his left shoulder. Even fire shot also hit Deepak Kumar who was going in the bazaar. During investigation, Deepak Kumar suffered statement before the police, in which he stated that Harpreet Singh @ Happy and Samual alongwith 2-3 boys were in one party, whereas Davinder Singh Chatra, Amandeep Singh @ Rinku etc. were in other party. He also stated that he noticed Harpreet Singh @ Happy and Samual running from the spot. Harpreet Singh @ Happy took out pistol and fired, which hit on his (Deepak) left side of shoulder, upon which he fell down. Deepak Kumar also stated that no shot was fired on Samual, rather, injury of fire on the person of Samual is self-suffered, just with a view to register a criminal case against Davinder Singh Chatra etc.

At the time of arguments, learned State counsel argued that though the petitioner has joined the investigation but he has not produced the gun and gun is yet to be recovered.

Keeping in view the facts and circumstances of the present case, nature and gravity of the offence, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I

find that the petitioner is required for custodial interrogation.

Therefore, finding no merit in the present petition, the same is dismissed.

July 05, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No