

205/A

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-12052 of 2018

Date of Decision: November 22, 2018

Vipin Luthra

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present:- Mr. Bikramjit Aroua, Advocate
for the petitioner

Mr. Kirat Singh Sidhu, DAG Punjab

Mr. Vipin Mahajan, Advocate
for the complainant

Sudhir Mittal, J. (Oral)

The present petition has been filed for grant of anticipatory bail to the petitioner in case FIR No. 259 dated 29.12.2017, registered under Sections 307, 427, 148, 149 IPC and Sections 25, 27, 54, 59 of Arms Act, 1959 at Police Station City Civil Lines Batala, District Batala.

The case against the petitioner is that he shot at the complainant with an intention to kill him.

During the course of the investigation, it has transpired that Sections 307, 427, 148, 149 IPC have been deleted and that Section 336 IPC has been added. It is the contention of learned counsel for the petitioner that the complainant attacked the petitioner with the intention of robbing him.

On the other hand, the case of the State as well as the complainant is that Tata Safari vehicle of the complainant hit the motorcycle of the petitioner accidentally. This enraged the petitioner and he used his licensed weapon to fire at

the complainant resulting in the bullet touching the temporal portion of the head of the complainant.

I am not opining upon the merits of the case. Suffice it to say that the petitioner is not a criminal. He has appeared before the Investigating Officer and is cooperating with the investigation, which is in progress. Thus, no useful purpose would be served by sending him behind the bars.

Learned counsel for the parties are ad idem that pursuant to order dated 22.03.2018, the petitioner has joined the investigation and is cooperating therewith.

In view of the above, the petition is allowed and the interim bail granted vide order dated 22.03.2018, is hereby made absolute subject to compliance of conditions enshrined under Section 438(2) Cr.P.C. by the petitioner.

November 22, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No