

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-24757-2017(O&M)

Date of Decision: 24.04.2018

Amarvir Singh @ Billa

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Naveen Sharma, Advocate for the petitioner.

Mr. S.S. Sandhu, A.A.G., Punjab.

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**TEJINDER SINGH DHINDSA.J (Oral)**

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 FIR No.52 dated 12.5.2017 under sections 326, 341, 34 I.P.C (section 326 I.P.C was deleted and section 324 I.P.C was added vide DDR No.40 dated 15.5.2017. Offence under section 307 I.P.C was added later on) and sections 25, 27 of Arms Act, registered at Police Station, City Rampura, District Bathinda.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Pargat Singh in relation to an occurrence dated 11.5.2017. As per allegations the complainant while proceeding on a motorcycle was intercepted by a white colored Ritz car. Present petitioner as also co-accused Maninder Singh @ Mindi are alleged to have alighted from the rear seat of the car being armed with pistols/revolvers. Specific attribution is to Maninder Singh @ Mindi (non-applicant) of having fired a shot with an intention to kill which hit the complainant Pargat Singh on his right leg above the ankle. Allegation of

having resorted to firing is even against the present petitioner, even though, such shots are stated to have missed the target.

It is a case where offence under section 307 I.P.C was added subsequently.

It has gone uncontroverted that the fire arm injury suffered by Pargat Singh, otherwise, has been opined to be simple in nature and which in any case is not attributed to the present petitioner but to non-applicant Maninder Singh @ Mindi.

On 20.7.2017 while issuing notice of motion, the following order was passed by this Court:-

*“Learned counsel for the petitioner has referred to document Annexure P-2 to contend that as per the medical report, injury suffered by the injured is neither grievous nor dangerous to life and, rather, has been declared simple in nature.*

*Notice of motion for 15.09.2017.*

*In the meantime, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”*

Learned State counsel upon instructions from ASI Bhupinderjit Singh would apprise the Court that the petitioner has since joined investigation. However, prayer in the petition for anticipatory bail is opposed on the ground that recovery of the fire arm is yet to be effected.

Counsel for the petitioner would respond by contending that it is a case of false implication and even as per version of the complainant which is reflected in the FIR there was political rivalry between the parties

pertaining to contest in the Vidhan Sabha Elections. Counsel would argue that under such circumstances the prayer for anticipatory bail ought not to be declined on the pretext that recovery of fire arm is yet to be effected.

This Court would desist upon making any observations with regard to the submissions advanced by counsel for the petitioner lest it may prejudice the course of investigation and rights of either party.

In the light of the peculiar facts noticed herein above and the petitioner having joined investigation, prayer made in the instant petition is accepted.

Accordingly, the present petition is allowed. The order dated 20.7.2017, passed by this Court, is made absolute.

Petition disposed of.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**24.04.2018**

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| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |