

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

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**CRM-M No. 37083 of 2018
Date of Decision : 11.09.2018**

Arshpal Singh Sandhu

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present : Mr. K.V.S. Ahluwalia, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

P.B.BAJANTHRI, J. (ORAL)

In the present petition, petitioner seek anticipatory bail under the provision of Section 438 Cr.P.C. in FIR No.191 dated 30.07.2018 under Sections 307, 323, 341, 336, 337, 160, 148, 149, 120-B IPC, and Section 25/27/54 of Arms Act, registered at Police Station Division No. 6, District Jalandhar.

2. Learned counsel for the petitioner submitted that petitioner is not involved in the alleged incident relating to firing in the general public and weapon is not of his own. In the absence of any material petitioner has been falsely implicated in the matter.

3. Per contra, learned State counsel while resisting contentions of learned counsel for the petitioner pointed out that during the course of investigation, petitioner and other co-accused were stated to have been thrown stones and bricks upon each other and fire gun shot from 12 bore double barrel gun towards general public with intention to kill certain

person among the general public who had gathered at the place of occurrence. Even statement recorded under Section 161 Cr.P.C. has been taken into consideration read with independent witnesses like Gurdev Singh and Rajinder Kumar.

4. Heard learned counsel for the parties.

5. Petitioner's contention has taken into consideration by the Sessions Court while deciding the bail application. In para 5 a detailed consideration is there to the extent how the alleged incident had taken place. Further what is the role played by the petitioner with reference to the investigation report read with statement under Section 161 Cr.P.C. So also independent witness statement like Gurdev Singh and Rajinder Kumar that the alleged incident is in the open place where general public were gathered. The alleged incident has resulted in terrorizing the general public. Such alleged behaviour of petitioner is also taken into consideration. Thus, petitioner has not made out a case so as to extend the benefit of anticipatory bail.

6. Accordingly, petition stands dismissed.

11.09.2018

pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No