

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

CRM-M No.37340 of 2018

Date of decision : 29.08.2018

Gursimranjit Singh

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Rishu Mahajan, Advocate for the petitioner.

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DAYA CHAUDHARY, J.

The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to petitioner Gursimranjit Singh in case FIR No.164 dated 27.09.2017 under Sections 307, 323, 148 and 149 of the Indian Penal Code, 1860 (for short – 'IPC') and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Lopoke, Amritsar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case and he has become victim of conspiracy at the hands of the complainant. The dispute was there between one Harpal Singh and the complainant. Learned counsel further submits that as per the allegations in the FIR, the petitioner has been alleged to fire a shot on the complainant which hit on the right arm of a school going child. There was no intention to harm the school going child. Another shot was fired on the complainant, which hit on his left biceps, which is non-vital

part of the body. It was a case of sudden provocation and there was no intention to kill, attracting Section 307 IPC. Learned counsel further submits that weapon has already been recovered from co-accused Harpal Singh and nothing is to be recovered from the petitioner. Both the co-accused of the petitioner have been granted benefit of bail. The petitioner undertakes to abide by all the terms and conditions to be imposed by this Court or by the Investigating Officer.

Heard arguments of learned counsel for the petitioner and I have also perused the contents of the FIR and other documents on the file.

As per allegations in the FIR, complainant Gurwinder Singh was coming back to his village on motorcycle along with Amanpreet Singh and on reaching on Adda Bhillowal, where Harpal Singh alias Happy armed with pistol, Gursimranjit Singh (petitioner) armed with Dang, Amritpal Singh armed with baseball and Gurjant Singh armed with baseball were standing on two Bullet motorcycles, at about 11:30 a.m. They were quarreling with one Gagan Kumar alias Soni who was running a mobile repairing shop at the Adda. Petitioner got annoyed and took revolver from Harpal alias Happy and fired shot, which struck on the right arm of school child namely Navtej Singh, who was standing near Rehari of Golgappa and fell down. Thereafter, the petitioner again fired a shot on complainant which hit on his left biceps. The motive behind the occurrence is that the complainant stopped the above said persons from quarreling with shopkeeper Gagan Soni and because of that reason they caused injury to him and school child namely Navtej Singh. Even while leaving the place,

third shot was fired in the air.

On perusal of the allegations in the FIR as stated above, the petitioner has fired two shots, one hit the school going child namely Navtej Singh on his right arm near elbow and the second hit the complainant on his left biceps. Both the injured remained admitted in Guru Nanak Dev Hospital, Amritsar and as per the medical record, both the injured received three injuries each on their persons, which are attributed to the present petitioner. Although, as per the medical record the injuries received by both the persons are simple in nature but said injuries could have been dangerous to life. Petitioner has been shown to be armed with deadly weapon and he took active participation in the occurrence.

Accordingly, by seeing nature of offence, active role of the petitioner and the intention, no ground is made out to release him on anticipatory bail and, therefore, the present petition being devoid of any merit is hereby dismissed.

29.08.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No