

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

CRM No.M-41848 of 2017 (O&M)

Date of Decision: July 05, 2018

Kapil Kumar @ Monty

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.K.B.Raheja, Advocate
for the petitioner.

Mr.Ramandeep Sandhu, Sr. Deputy Advocate General, Punjab
for the respondent-State.

Mr.Amit Choudhary, Advocate
for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.112 dated 17.05.2017 under Sections 307, 34 IPC and Sections 25 and 27 of the Arms Act, registered at Police Station City Ferozepur.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

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

As per the allegations of the complainant, two shots were fired

from the pistol and bullets were recovered by the doctor. Learned counsel

for the petitioner contended that earlier also, two times the present complainant had filed FIRs under Section 307 IPC etc. and on enquiry, both were found to be false and proceedings under Section 182 I.P.C. have been initiated against the complainant. He further contended that now again the present FIR has been got registered which is false one. The accused-petitioner has already deposited his fire arm weapon i.e. pistol in January 2017 whereas the occurrence is stated to be of 17.05.2018. It is argued by learned counsel for the petitioner that a sealed report has already been called by the Court to know whether the injury is by fire arm weapon or not.

As per the sealed report, the Board of Doctors gave the opinion that possibilities of injuries not caused by actual fire arm cannot be ruled out.

The petitioner has already joined the investigation. The trial of the case will take long time. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where the petitioner is entitled to benefit of anticipatory bail. Therefore, the present petition is accepted and the order dated 14.12.2017 granting interim bail to the petitioner, is made absolute.

July 05, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No