

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

**CRM No.M-47019 of 2017 (O&M)
Decided on: 17.01.2018**

Harjinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.S. Thakur, Advocate for the petitioner.

Mr. Rahul Rathore, DAG, Punjab.

Mr. Kiran Kumar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.173 dated 14.09.2017 registered under Sections 307, 120-B of the Indian Penal Code and 3 of the Explosive Substances Act, 1908, at Police Station Division No.8, District Jalandhar.

Counsel for the petitioner has submitted that the petitioner has been falsely implicated and he has not participated in commission of the offence. It is further submitted that it is a case of no injury and, therefore Section 307 IPC is not made out.

Counsel for the State, on instructions from ASI Kishore Kumar as well as counsel for the complainant have submitted that the entire incident was recorded on CCTV and as per the footage of the same, the active participation of the petitioner is there. It is further submitted by counsel for the State that 05 accused persons have already been arrested and the petitioner is the main accused who has prepared

the explosive substance and had thrown it on the complainant.

Counsel for the State has further submitted that since the petitioner has thrown the petrol bomb, the intention to commit the offence under Section 307 IPC is made out.

Counsel for the complainant has submitted that another FIR against the co-accused with similar allegations is also pending and has opposed the prayer for bail on the ground that the petitioner and his co-accused are habitual offenders.

Without commenting anything on merits of the case and considering the fact that the petitioner has been found involved in commission of offence in CCTV footage and also in view of gravity of the offence and the manner in which the same has been committed with intention to attack the complainant and his son, no ground in exercising discretionary relief under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner is made out.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

17.01.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No