

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

**CRM-M-49921-2018
Date of decision:29.11.2018**

Kulwinder Singh

....Petitioner

Versus

The State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Harpreet S. Rakhra, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of anticipatory bail in respect of FIR No.143 dated 29.06.2018 under Sections 307, 336, 325, 120-B of Indian Penal Code, 1860 and Section 25 of Arms Act, Police Station Maur, District Bathinda.

The FIR was lodged at the instance of complainant-Jagsir Singh wherein it has been alleged that on the day of occurrence when he along with Bhola Singh were on their way to Mansa in a car, then one Esteem car stopped in front of their car and Manjeet Singh alighted from the said car and fired two shots from a country made pistol in order to kill him but he lay on the ground in order to save himself. It is further alleged that Gurwinder Singh @ Bogha who was also sitting in the car came out and gave a blow with 'Gandas' on the right leg of the complainant. It is alleged that Ranjit Singh and Kulwinder Singh also came there, in the

meantime on a motorcycle and Ranjit Singh raised a '*Lalkara*' to teach the complainant a lesson and upon which Kulwinder Singh pillion rider (petitioner) gave a blow with '*Kulhari*' on the right leg of the complainant.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and even as per the FIR two persons are attributed injuries on the right leg of the complainant whereas MLR reveals that only one injury has been sustained which is in the nature of simple injury. It has further been submitted that allegations of firing from a pistol do not seem probable as no injury is stated to have been suffered from any fire arm.

Learned State counsel while opposing the application stated that the injury on the leg recorded in the MLR is attributed to the petitioner and in these circumstances he is not entitled for the concession of bail.

Having considered the rival contentions addressed before this Court and bearing in mind that the fact that it is a case of single injury as per the MLR which is not opined to be grievous so far, in my opinion, it is not a case where custodial interrogation is warranted. The petition as such, is accepted. In the event of arrest of the petitioner, he shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petition is accepted in the above mentioned terms.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

29.11.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**