

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

Sr.No.101

CRM-M-50595 of 2018

Date of Decision:17.11.2018

Manjit Singh @ Bobby and another

...petitioners

Versus

State of Punjab

.....respondent

CORAM: HON'BLE MR.JUSTICE ARVIND SINGH SANGWAN

Present: Mr.Navkiran Singh, Advocate
for the petitioner

ARVIND SINGH SANGWAN, J. :

Prayer in this petition is for grant of anticipatory bail in FIR No.199 dated 02.11.2018, under Sections 307/395/148/149 IPC, Sections 25/27 of Arms Act, and Section 13 of Punjab Gambling Act, 1867, registered at Police Station Division No.4, Jalandhar.

As per the allegations in the FIR registered on the complaint of one Lakhwinder Singh, on 01.11.2018, the police received a secret information that there is a firing in the AC Market and petitioner No.1 Manjit Singh @ Bobby, along with petitioner No.2 Naresh Devgun @ Shanky and some other persons are having ammunition and are gambling. The other party of Sahil @ Masi, Lalli and others, with intention to loot the gambled money came to the AC Market. Lalli was having ammunition and others were having datar and sticks. Both the parties had a fight and with intention to kill each other, both the parties fired gun shots. Lalli fired gun shot at Vivek Mahajan @ Kuka Mahajan but he escaped and Vivek Mahajan @ Kuka Mahajan fired gun shot at Sahil Masi, which hit him on his knee.

Both the parties were gambling and were armed with fire arms and fired gun shots at each other with intention to kill and thus, inflicted injuries on each other. During the investigation, the police had taken the CCTV footage.

Learned counsel for the petitioners submits that petitioner No.1 Manjit Singh @ Bobby had left the place at 11.00 PM and petitioner No.2 Naresh Devgun had left the place at 03.00 AM and the second party came to loot the persons at that time, as is clear from the CCTV footage.

Learned counsel for the petitioners submits that the petitioners have not inflicted any injury to the anyone and it is the second party which has come to the place of petitioner No.1 for committing the offence. It is further stated that in the incident, petitioner No.2 Naresh Devgun also suffered injuries and he was not armed with any weapon.

A perusal of the order dated 13.11.2018 passed by the Sessions Judge, Jalandhar, dismissing the bail application, shows that based on police report, it is observed that both the parties indulged in the firing incident and are history sheeters and the place where the occurrence has taken place is the shop of petitioner No.1 Manjit Singh @ Bobby and he used to charge Rs.500/- per hour per person for allowing those persons to indulge in the illegal activity of the gambling at his shop. It is further observed that petitioner No.2 Naresh Devgun has not denied his presence at the spot and case is still at the initial stage of investigation.

Considering the fact that it is undisputed by the petitioners that the incident had taken place in the premises of petitioner No.1, where gambling was going on and petitioner No.2 himself was present at the spot and also considering the fact that the petitioners as well as the second party are history sheeters and the illegal activity of gambling was taking place and

in the incident both the parties have used the fire arms and one of the shot also hit on the knee of one Kuka Mahajan, the police has also recovered one bullet and one empty cartridge of a country made pistol (katta), the allegations are serious in nature and the custodial interrogation of the petitioners is required as the illegal firm arms and other weapons are to be recovered and undisputedly the place of occurrence is the shop of petitioner No.1, I find no ground to grant the anticipatory bail to the petitioners in FIR No.199 dated 02.11.2018, under Sections 307/395/148/149 IPC, Sections 25/27 of Arms Act, and Section 13 of Punjab Gambling Act, 1867, registered at Police Station Division No.4, Jalandhar.

The petition stands dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

17.11.2018
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Whether speaking/reasoned	Yes/No.
Whether reportable-	Yes/No