

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51138-2018 (O&M)
Date of decision : 27.11.2018

Gurmukh Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vikram Chaudhary, Sr. Advocate with
Ms. Isha Goyal, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. L.M.Gulati, Advocate for complainant.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Heard.

This is a petition filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 81 dated 22.10.2018 under Sections 307, 326, 324, 323, 148 and 149 of the Indian Penal Code and Section 25 of the Arms Act, registered at Police Station Tibber, District Gurdaspur.

Learned counsel for the petitioner contends that Ranjodh Singh-injured along with Jinda Masih and some other persons went to the house of Hans Raj to inquire about his health. Present petitioner-Gurmukh Singh allegedly carrying a *pistol*, Gulsher Singh and Kanwaljit Singh, both carrying *sickles* and Kashmir Singh carrying a *baseball bat* and Mannu

Mulianwal who is the son-in-law of the present petitioner-Gurmukh Singh *empty handed*, Satbir Singh carrying a *baton*, Laddi carrying a *revolver* in his hand along with 6/7 unknown persons assaulted the complainant. Gurmukh Singh fired a shot from his pistol at Ranjodh Singh-complainant but he cleverly sat down and the shot passed above him and Kanwaljit Singh is stated to have given a *sickle* blow on the person of the injured-Ranjodh Singh. The accused also caused various injuries. Laddi also fired a shot with his *pistol* which again passed away over above the complainant.

A perusal of the MLR shows that there are two injuries on the person of the injured-Ranjodh Singh as well as Jinda Masih. One of the injury each is the complaint of pain. In this way, there is one injury each on the person of Jinda Masih and Ranjodh Singh. Injury No 1 is on the person of Jinda Masih which is an incised wound and attributed to Kanwaljit Singh, was found to be grievous in nature. The other injuries were found simple in nature.

Copy of the order dated 21.11.2018, passed by learned Additional Sessions Judge, Gurdaspur shows that on account of no objection being raised by the police, Kanwaljit Singh was granted anticipatory bail vide the aforesaid order dated 21.11.2018.

Learned counsel for the petitioner has disputed the version in the complaint saying that petitioner is a lecturer in a local college and is also member of the managing committee and he denies the manner of occurrence.

Considering the fact that no injury was caused with the gun shot allegedly fired by the petitioner and the version of the petitioner that complainant-Ranjodh Singh cleverly sat down and the shot passed over

above him is yet to be determined by the police, it is a case of undue hardship.

It being so, there is no ground for custodial interrogation of the present petitioner. Accordingly, present petition is allowed and petitioner is ordered to be released on anticipatory bail on his furnishing personal bonds in the sum of Rs. 50,000/- with one surety of the like amount to the satisfaction of the arresting officer subject to the compliance of conditions contained under Section 438(2) of the Code of Criminal Procedure.

(KULDIP SINGH)
JUDGE

27.11.2018
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No