

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-1208 of 2019 (O&M)
Date of decision: May 13, 2019

Ishar ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Anter Singh Brar, Advocate for the petitioner.

Mr. Nikhil Chopra, Addl. Advocate General, Punjab.

Mr. Samdish Sahdev, Advocate
for the applicant-respondent No.2.

Rajan Gupta, J.(oral)

CRM-4052-2019:

This is an application filed by respondent No.2 for placing on record reply by way of affidavit of respondent No.2. Application is allowed as prayed for. Affidavit is taken on record. Registry to page mark the paper book accordingly.

CRM-M-1208-2019:

Petitioner has filed this second petition seeking concession of pre-arrest bail in a case registered against him under sections 307, 341, 506, 427, 323, 148, 149 IPC read with section 25/27/54/59 of the Arms Act, vide FIR No. 265 dated 26.09.2017 at Police Station Division No.7, Ludhiana City.

Learned counsel for the petitioner has submitted that petitioner

has no connection with the commission of crime. He has been falsely implicated in the case. Thus, he deserves the concession of pre-arrest bail.

Learned State counsel has opposed the plea. He has submitted that petitioner fired two shots with intention to kill the complainant. According to him, challan qua the petitioner has not yet been filed. Thus, petitioner does not deserve concession of pre-arrest bail.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged on the statement of Dheeru. He stated that petitioner, who was a drug addict, was residing in front of his house alongwith his brother. He has also addicted his cousin Deepu into the same. On 25.09.2017 at about 11.00 p.m. a scuffle ensued between complainant's family and the petitioner. Meanwhile, petitioner alongwith 15-20 unknown persons started issuing threats to him and his uncle. He fired a shot towards the complainant with an intention to kill. The bullet hit on his back on right side and pierced through his body on other side of heart. Thereafter, petitioner fired another shot towards the wife of the complainant, but the same hit on the water tank of their house. The accused thereafter damaged the household articles including the vehicle of the complainant. After registration of FIR, investigation ensued. Allegation against the petitioner is that he fired shot towards the complainant which hit on the side of his head.

Keeping in view the nature of allegations and the gravity of offence, I am of the considered view that petitioner is not entitled to concession of pre-arrest bail. This court had earlier rejected a similar prayer made by the petitioner, vide order dated 18.04.2018, passed in

CRM-M-15351 of 2018. Petitioner has now preferred the instant petition. There appears to be no change of circumstances. Thus, it is inexplicable how present petition is maintainable.

Dismissed.

(RAJAN GUPTA)
JUDGE

May 13, 2019
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No