

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3714-2019 (O&M)

DATE OF DECISION: JANUARY 29, 2019

OM PARKASH @ VICKY PAL

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. R.D. GUPTA, ADVOCATE FOR THE PETITIONER.

MANOJ BAJAJ, J.(ORAL)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.123 dated 4.8.2018, under Sections 307, 302, 323, 324, 148, 149 IPC and Sections 25 and 27 of Arms Act, 1959, Police Station Islamabad, District Police Commissionerate, Amritsar.

The FIR in the present case has been recorded on the statement of Dharminder Singh @ Hello son of Gurmeet Singh wherein he stated that when he alongwith his friends were attending a fair in his village, the accused persons alongwith few unknown persons surrounded them and caused the occurrence wherein two shots were fired injuring all the three persons and one person, namely, Ranjit Kumar @ Golu died of the gun shot injury.

Learned counsel for the petitioner has contended that the petitioner is not named in the FIR and the alleged shot is attributed to one Sikh person. It is argued that the petitioner has been indicted on the basis of

the disclosure statement suffered by the co-accused and therefore, his custodial investigation may not be necessary.

After considering the argument of learned counsel for the petitioner, this Court is of the opinion that simply because the petitioner is not named in the FIR does not establish his innocence. It is specifically mentioned that few unknown persons are also accompanying the accused who were named in the FIR. Besides, as per the disclosure statement suffered by accused Vicky Dhaga, it is the petitioner who brought the other assailants alongwith him.

Considering the nature of the offence and the alleged role attributed to the petitioner, no ground is made out to grant extraordinary concession of anticipatory bail to the petitioner.

Petition stands dismissed.

January 29, 2019
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No