

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

**CRM-M No.5627 of 2019 (O&M)
Date of Decision: 09.04.2019**

Sher Singh @ Shera

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Rakesh Kumar, Advocate for the petitioner.

Mr. C.L.Pawar, Senior Deputy Advocate General, Punjab
for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure (*for short 'Cr.P.C.'*) for grant of pre-arrest bail to the petitioner in case FIR No.137 dated 25.11.2018 (**P-1**), under Sections 307, 326, 323, 148, 149, 379 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959, registered at Police Station Sadar, Kapurthala.

It is contended by learned Counsel for the petitioner that as a matter of fact, this was a free fight, rather the complainant side was the aggressor and a cross-version to that effect has already been registered by way of General Diary No.26 dated 25.11.2018. Also contended that the alleged injuries, attributed to the petitioner, are not on the vital part of the body.

On the other hand, learned State Counsel, on instructions from the police official present in the Court, opposed the bail application and submitted that petitioner is absconding from joining by the fact that he actively participated in the occurrence and fired two gun shots, one to complainant-Harpreet Singh @ Happy and another to Kuldeep Singh @ Khindi.

Heard both sides and perused the paper-book.

There is specific allegations of gun shot injuries attributed to the petitioner and that too, by using the weapon, which is not licensed in his name, rather the same has been used unauthorisedly.

Since the petitioner has actively participated and intended to cause injuries, dangerous to life, to the aforesaid two persons, therefore, this Court is not inclined to grant the concession of anticipatory bail to the petitioner.

Accordingly, the present petition is dismissed.

The above observations may not be construed as an expression of opinion on the merits of the case.

April 09, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>