

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

CRM-M-15086-2019
Date of decision:3.5.2019

Amandeep Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. S.S. Rangi, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.33 dated 14.02.2019 under Sections 307/34 of the Indian Penal Code and Section 25/27 of Arms Act, Police Station B-Division, Amritsar.
2. The FIR was registered at the instance of Vicky Singh wherein it has been alleged that on 14.2.2019 at about 1:00 a.m. while he was taking rest in his house, his brother Jaspreet returned home after attending '*Shagan*' ceremony of his friend Jaskaran Singh. At that point of time there was hue and cry in the street and when the complainant went out in the street he saw that Gagandeep and his brother Amanpreet Singh @ Jaggi were hurling abuses to his brother Jaspreet. Gagandeep is alleged to be carrying a revolver

while his brother Amanpreet Singh was carrying a country made pistol. Amanpreet Singh is stated to have given a '*Lalkara*' exhorting his brother to shoot at complainant's brother Jaspreet Singh and thereafter Gagandeep fired a shot from his revolver at Jaspreet Singh with an intention to kill him which pierced through the rib of complainant's brother who fell on the ground. When the complainant came forward to rescue his brother then Gagandeep Singh fired another shot at the complainant but missed him. On raising hue and cry, people gathered at the spot. When Mandeep Singh a resident of the locality tried to catch hold of Gagandeep, then Amanpreet Singh is alleged to have given a blow with butt of the country made pistol to him and thereafter both of them ran away from there while firing shots in the air. The motive alleged is that Jaspreet Singh had a dispute with Gagandeep Singh at a function.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the complainant is employed in the police and has got a false case concocted against him so as to implicate the petitioner and his brother.
4. Learned counsel for the petitioner has submitted that in fact Jaspreet Singh injured, brother of the complainant was present at Best Western Hotel where the accused as well as Simranjeet Kaur wife of Amanpreet Singh were also present and that Jaspreet had been staring at Simranjeet Kaur with an evil eye and was also

clicking pictures of Simranjeet Kaur. When the petitioner tried to reason out with Jaspreet Singh he was infuriated and it was Jaspreet Singh who gave beatings to the petitioner and that although entire incident had been recorded in the CCTV installed at Best Western Hostel at Amritsar but the police has intentionally chosen not to collect said footage as the complainant is himself employed in the police.

5. Opposing the petition, the learned State counsel has submitted that pursuant to directions issued by this Court on 5.4.2019 the management of Best Western Hotel had been contacted which has informed that the CCTV cameras installed at their premises have capacity to retain footage for 45 days only and that since the incident had taken place on 13.2.2019, no footage was available being beyond the period of 45 days. The learned State counsel has further submitted that in any case the allegations in the present case are fully substantiated from the medical evidence inasmuch as the M.L.R. clearly reflects wounds which could have been possible only with a fire arm.
6. I have considered rival submissions addressed before this Court. It is no doubt correct that the fire arm injury caused to Jaspreet Singh is attributed to the co-accused Gagandeep Singh but perusal of the FIR clearly shows that the petitioner along with his brother Gagandeep Singh had gone to the place of occurrence armed with weapons and it was pursuant to a '*Lalkara*' raised by the petitioner

that his brother had fired at Jaspreet resulting in fire arm injury which has been fully substantiated from the medical evidence. In these circumstances, this Court does not find any special case for grant of anticipatory bail. The petition, as such, is sans merit and is hereby dismissed.

7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case
8. Before parting with this order, this Court would like to add that in the present case it appears that the investigation is not being conducted diligently and that CCTV footage in respect of the incident alleged to have taken place at Best Western Hotel, Amritsar which could be relevant, has not been collected despite the fact that the petitioner had already made a representation to the police in this regard and had also filed a petition in this Court earlier i.e. CRM-M-9329-2019. The Senior Superintendent of Police concerned to look into the matter and to take necessary action in case it is found that a deliberate attempt had been made by not collecting the CCTV footage from the Best Western Hotel, Amritsar.

(GURVINDER SINGH GILL)

3.5.2019

Gaurav Sorot

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No