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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-21617 of 2019

Date of decision: May 17, 2019

Sukhjinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:** Mr. Rahul Sharma, Advocate for the petitioner.

Mr. C.L. Pawar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner, in FIR No.203 dated 13.11.2018, under Sections 307, 34 of Indian Penal Code, 1860 (for short 'IPC') and Sections 25/27 of Arms Act, 1959, registered at Police Station Chattiwind, District Amritsar Rural.

Mr. B.B.S. Randhawa, Advocate appears, files *vakalatnama* on behalf of the complainant and the same is taken on record.

In brief, the prosecution case is that complainant-Harinder Singh alleged that on 08.11.2018, he along with his friend Inderjit Singh and Manpreet Singh had gone to Noida to meet their friend Karanbir Singh by fortuner car bearing registration No.PB-46M-0067. Coming back, on 11.11.2018, when they reached near DPS Manawala, at 9:15 P.M., then one fortuner car crossing their car gave a swerve turn, but they saved their car. The said car was being driven by the petitioner who was earlier known to Inderjit Singh as there was some money dispute between them, which was got compromised by the respectables. Further alleged that petitioner after reaching Dream City stopped his car in front of their car and started abusing them. When the complainant and his friends came out of car to ask the reason, then petitioner drove his car inside the Dream City and at that time, one Innova car bearing registration number PB-02-CQ-8500 was

already parked outside Dream City and its lights were on. Thereafter, petitioner while abusing the complainant took out his pistol and gave fire shots on them with an intention to kill. In the meantime, Tejinder Singh and one unknown person also came out of the Innova car and Tejinder Singh also fired two shots at them from his pistol. When petitioner was firing, then one bullet hit the complainant on his thigh, due to which blood started oozing out and he fell down on the ground. The cause of enmity is that even, though, Inderjit Singh had compromised the matter with the petitioner, but still petitioner had grudge against him.

It is contended by learned counsel for the petitioner that he has been falsely implicated as complainant is the aggressor in this case.

On the other hand, learned State counsel opposed the contentions and submitted that petitioner has caused gun-shot injury and weapon is to be recovered, therefore, his custodial interrogation is required.

Heard learned counsel for both the parties and perused paper-book.

As per allegations of the prosecution, petitioner has fired a gun-shot which is duly corroborated by the medical evidence. Since petitioner is involved in a case of serious nature and running away from joining investigation since 13.11.2018, therefore, his custodial interrogation is very much necessary to unearth the actual genesis that led to commission of offence in question.

In that view of the matter, no ground for grant of pre-arrest bail to the petitioner, is made out.

Dismissed.

(MAHABIR SINGH SINDHU)
JUDGE

May 17, 2019
mahavir

Whether speaking/ reasoned: **Yes**

Whether Reportable: **No**