

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

**CRM-M No. 26532 of 2019 (O & M)
Date of Decision:-18.09.2019**

Lakhbir Singh @ Billa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

Mr. Amit Arora, Advocate
for the complainant.

MANOJ BAJAJ J.(Oral)

Petitioner-Lakhbir Singh @ Billa has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 27 dated 06.2.2019, under Sections 307, 148, 149, 506 IPC (Sections 323 and 324 IPC added later on in challan) and Section 25/27 of the Arms Act, 1959, registered at Police Station Chheharta, District Police Commissionerate, Amritsar.

Learned counsel for the petitioner contends that the petitioner is not attributed the injury inviting the offence punishable under Section 307 IPC as the alleged firing was done by Amritpal Singh. It is further

contended that pursuant to the alleged gun shot fire, no injury was suffered by the victim. Learned counsel further submits that the complainant himself is a police officer, who indicted the petitioner falsely, on the allegations that he gave kick and fist blows.

On the other hand, counsel for the complainant opposed the prayer on the ground that the petitioner participated in the crime being member of unlawful assembly. However, it is not disputed that the petitioner was not the person, who had fired gun shot. Similar is the stand of learned State counsel, who is assisted by ASI Jaspal Singh.

At this stage, learned counsel for the petitioner submits that the injuries attributed to the petitioner are simple in nature.

Considering the above, without commenting anything on merits of the case, the petition is allowed. In the event of arrest, the petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

September 18, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No