

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26679 of 2019
Date of Decision: 04.07.2019

Sandeep Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Amit Sharma, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. AG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.96 dated 06.05.2019 registered for offences punishable under Sections 323, 341, 307, 506, 148, 149 and 188 of Indian Penal Code and 25 of the Arms Act, at Police Station Patran, District Patiala.

Heard.

Learned State counsel submits that as per allegations in the FIR occurrence took place on 05.05.2019 at about 06.00 p.m., when complainant-Harpuneet Singh alongwith his brother, Princepal Singh, and friend, Karamjit Singh Lalli, and others were going on motorcycles towards Patran to play. When they reached near bus stand Shutrana, petitioner alongwith several other persons came there in 3/4 cars. They surrounded complainant and others. Petitioner and Varinder Singh were armed with pistols while remaining persons were having baseball bats and *dandas*. They caused beatings to complainant and persons accompanying him. Varinder

Singh and Sandeep Singh (petitioner) fired shots, which however did not hit any of them and they entered *Gurudwara Sahib* to save their lives.

Learned counsel for the petitioner submits that six of the persons named in the FIR, namely, Gurpreet Singh, Gurlal Sharma, Vimal Kumar and Bila Singh etc. have been allowed pre-arrest bail. It is case of cross-version in which Gurpreet Singh had also suffered grievous injuries. Present FIR has been got registered by complainant party only to defend themselves in case of injuries caused to Gurpreet Singh and others.

Learned State counsel submits that in the medical examination of complainant/injured no bone injury was found. No bullet alleged to have been fired from pistols of petitioner and Varinder Singh was recovered from the spot. The medical opinion regarding injuries on the person of complainant and others is still awaited. The police has also registered a cross-version case in which Gurpreet Singh suffered grievous injuries.

Keeping in view the fact that it is a case of version and cross-version and police has yet to arrive at conclusion as to who was the aggressor party and that there is no firearm injury caused to complainant or any of the person in his group, I am of the opinion that custodial interrogation of the petitioner is not required, as such, the instant petition is allowed. Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on bail subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.

It is, however, made clear that in the event of petitioner not

surrendering before the investigating officer within two weeks, the order allowing bail to him shall stand withdrawn automatically.

July 04, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No