

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-30122-2019 (O&M)
Date of Decision:- 22.7.2019

Vicky Singh @ Harjinder

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajkaran Singh Brar, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by ASI Jasvir singh.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, petitioner-Vicky Singh @ Harjinder seeks grant of anticipatory bail in respect of a case registered vide FIR No.118, dated 22.6.2019, registered at Police Station Nathana, District Bathinda, under Sections 307, 506, 323, 34 IPC and 25 of Arms Act.
2. At this stage, Mr. Deepak Gupta, Advocate has appeared on behalf of the complainant and filed memo of appearance. The same is taken on record.
3. The FIR was lodged at the instance of Jaswinder Singh, wherein it has been alleged that on 21.6.2019, when he along with Satpal Singh

and Sukhminder Singh were going to their fields on their motorcycle and when they stopped on the way due to blockage on the path, then they saw that Resham Singh's tractor trolley had been parked near his fields. It is alleged that Surjit Singh fired from the trolley attached with the tractor hitting the right side of stomach of Satpal Singh. Thereafter Balwinder Singh with the same revolver fired at the complainant, hitting on his right wrist. It is alleged that when the complainant fell down, then Resham Singh threw a brick hitting the complainant on his stomach. It is further alleged that Vicky Singh (petitioner) was also standing in a trolley holding a 'kirpan' in his hand. When complainant raised alarm, Gurtirath Singh came there and Balwinder fired again hitting his stomach.

4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even as per the FIR, he has not taken any step to cause an injury to any person of the complainant side and is simply stated to be standing in the trolley while holding the 'kirpan'.
5. Opposing the petition, learned State counsel, assisted by learned counsel for the complainant, has submitted that since fire arm injuries have been caused by co-accused of the petitioner and the petitioner was also holding a 'kirpan', it is evident that all the accused had formed an intention to cause injuries and to make a murderous assault on the complainant party, and as such no case for grant of anticipatory bail is made out.

6. I have considered rival submissions addressed before this court. Since the petitioner is not stated to have caused any injury and is not even alleged to have stepped down from the trolley where he was standing so as to make any attempt to cause an injury, it will certainly be debatable as to whether the petitioner also nursed or had formed any common intention with the co-accused to cause injuries to injured. The petition, as such, is accepted. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
7. The present petition stands accepted accordingly.
8. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

July 22, 2019
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No