

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

**CRM-M No. 46323 of 2019(O&M)
Date of Decision:-28.11.2019**

LOVEPREET SINGH

.....Petitioner

V/S

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gursimran Singh Jossan, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab
for the respondent-State.

ARUN KUMAR TYAGI,J. (ORAL)

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No. 0060 dated 09.09.2019 registered under Sections 148, 307, 336 read with Section 149 of the Indian Penal Code, 1860 (for short 'the IPC') and Sections 25 and 27 of the Arms Act, 1959 in Police Station Arif Ke, District Ferozepur, Punjab to which Section 302 of the IPC has been added lateron.

Notice of motion was issued by this Court vide order dated 31.10.2019.

Learned State Counsel has appeared and opposed the bail application.

Mr. M.S.Sidhu, Advocate has appeared on behalf of the complainant and filed his power of attorney which is taken on record.

Learned Counsel for the petitioner has argued that the

petitioner is youth aged about 21 years who has been falsely implicated due to being member of the Committee of Drug Rehabilitation Centre. There was undue unexplained one day's delay in lodging of the FIR. Besides mentioning presence of petitioner at the time of occurrence, no specific role is attributed to him. Sons of Nishan Singh-deceased used to take drugs who were being rehabilitated by the said Committee. As per the Postmortem report, the cause of death is not certain as cause of death is to be opined after receipt of CE and HPE Reports. The petitioner is ready to join investigation and his custodial interrogation will not be necessary. Therefore, the petitioner may be granted anticipatory bail.

On the other hand, learned State Counsel and learned Counsel for the complainant have argued that the petitioner was carrying 12 bore rifle and he along with his co-accused surrounded the deceased who was travelling in the car along with his sons Nirvail Singh and Gurjant Singh. Co-accused Tajinder Singh exhorted to teach them a lesson for taking possession of Panchayat land. When Nishan Singh-deceased came out of his car and asked them not to fight, co-accused Jaspal Singh fired shot from his 315 bore rifle with intention to kill which hit deceased- Nishan Singh in the abdomen and exited on left shoulder resulting in bursting of his arm. Co-accused Ranjit Singh and Okar Singh fired in the air while co-accused Jaswinder Singh and Jagmeet Singh kept on raising lalkara. There are serious allegations against the petitioner and his custodial interrogation is required in the case. Therefore, the anticipatory bail application may be dismissed.

The Courts have been granted power to grant anticipatory bail to protect against motivated criminal litigation instituted at the instance of

unscrupulous litigants animated by malice or political vendetta. Grant of anticipatory bail is an extra-ordinary remedy and is not, therefore, intended to be granted in every case. Number of factors including nature and gravity of the offences, quantum of sentence, likelihood of the accused absconding, intimidating or influencing the witnesses or tempering with the evidence or committing similar offences have to be taken into consideration.

Keeping in view the facts and circumstances of the case including the fact that the petitioner was allegedly present at the time of occurrence armed with weapon and surrounded the deceased and thereby participated in the commission of the offences and also that custodial interrogation of the petitioner is necessary for thorough investigation of the case, I am of the considered view that no case for grant of extraordinary relief of anticipatory bail is made out and the petitioner does not deserve grant of anticipatory bail.

In view of the above discussion, the petition for grant of anticipatory bail to the petitioner is dismissed.

28.11.2019

Rajeev (rvs)

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No