

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

**CRM-M No. 75773 of 2018
Date of Decision:-09.01.2019**

Sukhjinder Singh @ Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Sandeep Sharma, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ J.(Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.33 dated 22.5.2015 (wrongly mentioned as 22.02.2015 in Annexure P-3), under Sections 307, 148 and 149 IPC and Section 25-27 of the Arms Act, 1959, Police Station Begowal, District Kapurthala.

As per FIR, the brief facts are that on 21.5.2015 at about 3.15 PM, the complainant alongwith his mother Gurjeet Kaur was going on his motor-cycle to bring medicine and when he was passing through a street, then petitioner Sukhwinder Singh @ Sukha came on his motor-cycle following with a Scorpio car being driven by co-accused Manjit Singh @

Mani s/o Mohinder Singh, resident of village Habibwal, in which car Surinder Singh @ Mani s/o Surjit Singh resident of Dhakra, Ajit Singh, Balwinder Singh, Fateh Singh s/o Ajit Singh and Sikander Singh @ Happy s/o Palli, residents of Rava, who were carrying *datars* and *kirpans*. Thereafter, co-accused Ajit Singh and Surinder Singh @ Mani raised lalkara that the complainant be not allowed to go scot-free. Then petitioner Sukhwinder Singh @ Sukha took out a revolver from his dub and started firing shots towards the complainant. The first shot was missed, which crossed above the head of complainant as he bent down and second shot by bending sideways then petitioner fired third shot, which hit the petitioner on his back and the fourth shot hit left under-arm. On hearing the noise of fire shots, father of complainant and other persons came at the spot. Petitioner gave a butt (handle) blow of revolver on the head of father of complainant and thereafter alongwith his companions fled away from the spot. Thereafter, the complainant was taken to Civil Hospital, Kapurthala, from where the doctor referred him to Guru Nanak Hospital at Amritsar. In this background the investigations were carried out and FIR was registered against the petitioner.

Learned counsel for the petitioner contended that no case under Section 307 IPC is made out against the petitioner as the alleged injuries caused by fire-arm are simple in nature. In this regard, learned counsel has relied upon Annexure P-2, the report of the SIT (Special Investigating Team) dated 20.5.2017 vide which as per details of the MLR, total three injuries were found to be caused to complainant Balwinder Singh @ Bhola

and all the injuries were declared to be simple.

Learned State counsel has vehemently opposed the prayer for grant of anticipatory bail to the petitioner by submitting that four shots were fired by the petitioner, out of which two were missed and two hit the victim. He further submits that the intention of the petitioner was very much clear.

Considering the allegations levelled against the petitioner and the manner in which the alleged occurrence took place, no case for grant of concession of anticipatory bail is made out.

The petition is dismissed.

January 09, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No