

CRM-M-53303-2019 (O&M)

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

**CRM-M-53303-2019 (O&M).
Decided on: December 20, 2019.**

Kuldeep Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

PRESENT

**Mr.Sumeet Puri, Advocate,
for the petitioner.**

Mr.R.S.Thind, DAG, Punjab.

**Mr.G.S. Japal, Advocate,
for the complainant.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure (for short 'the Cr.P.C.') praying for grant of anticipatory bail in FIR No.110 dated 27.10.2019, under Sections 307, 120-B, 323, 148 and 149 IPC, registered at Police Station Sadar Zira, District Ferozepur.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present FIR as no role is attributable to the petitioner. He further submits that even as per the FIR the

CRM-M-53303-2019 (O&M)

role attributable to the petitioner is that he had fired a gun shot from 315 bore rifle which has hit the wall of the house. He has further argued that the main role is attributed to co-accused Ravinder Singh.

Notice was issued in this petition on 13.12.2019 and on 17.12.2019, it was adjourned to 18.12.2019 on the request of learned State Counsel.

On 18.12.2019, the petitioner was granted interim protection by this Court and the matter was listed for today. It was specifically mentioned in the order that interim protection is subject to the conditions specified under Section 438(2) Cr.P.C. and also that the petitioner shall submit his passport to the Investigation Officer and will cooperate during investigation and further shall submit himself before the Investigating Officer as and when required. Furthermore, it was also directed that the petitioner shall not leave the city of Zira and shall also furnish adequate security of not less than Rs. 10,00,000/- to the Investigating Officer.

Today, the learned counsel for the petitioner has submitted that petitioner has joined investigation and has also submitted his passport and furnished the bank security in this regard.

Per contra, learned State counsel, on instructions from ASI Kulwant Singh, submits that although the petitioner has joined investigation in pursuance to the direction of this Court but he has not cooperated in the investigation process. He further submits that 315 bore rifle which as per FIR was carried by the petitioner has not been recovered

CRM-M-53303-2019 (O&M)

as yet. He further submits that the matter is serious in nature particularly in view of the fact that the firing which was made from above said 315 bore rifle although hit the wall of the house but it needs to be recovered and apart from this 9 cartridges of 315 bore rifle have also been recovered by the Police which further substantiate the fact that custodial interrogation of the petitioner in this case is required.

He has further submitted that the petitioner was armed with deadly weapon and co-accused Ravinder Singh also fired from another rifle which had hit the complainant and Lovepreet Kaur and therefore, in view of the gravity and seriousness of the allegations, custodial interrogation of the petitioner would be required and as such, prays that the present petition be dismissed.

I have heard the learned counsel for the petitioner as well as the learned State counsel.

Although the petitioner has joined investigation in pursuance of the direction issued by this Court but the State has taken a specific and positive stand that the petitioner has not cooperated and 315 bore rifle which is attributable to the petitioner has not been recovered as yet. Apart from this, 9 cartridges pertaining to this 315 bore rifle has also been recovered by the Police. The learned State counsel has also brought to the notice of the Court that the petitioner does not have any license of 315 bore rifle and, therefore, the mere fact that even going by the contents of the FIR that the gun shot from 315 bore rifle had hit the wall only, would not mean that gravity of the offence has been diluted. In addition to above the

CRM-M-53303-2019 (O&M)

role attributable to the co-accused is pertaining to another rifle which had hit the complainant and Lovepreet Kaur. There are direct allegation against the petitioner and recovery of 315 bore rifle is yet to be made.

Considering the totality of the circumstances, this Court deems it a fit case not to grant the concession of anticipatory bail to the petitioner and consequently, the present petition is dismissed. Interim protection granted to petitioner vide order dated 18.12.2019, stands vacated.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

December 20, 2019.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No