

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

201

CRM-M-11306-2020

Date of Decision: 30.07.2020.

Bhupinder Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr.Ashish Aggarwal, Advocate for the petitioner.

Mr.H.S.Multani, AAG Punjab.

Lalit Batra , J . (Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 438 Cr.P.C is for grant of pre-arrest bail to the petitioner in case F.I.R. No.30 dated 24.02.2020 under Section 307 IPC read with Section 34 IPC and Sections 25 and 27 of the Arms Act, registered at Police Station Majitha Road, District Police Commsionerate Amritsar.

Reply by way of affidavit of Sarbjit Singh, PPS, Assistant Commissioner of Police, North Amritsar, on behalf of respondent-State has been filed, which is taken on record and the copy of above said reply has been supplied to learned counsel for the petitioner.

Learned counsel for the petitioner *inter alia* contends that the allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urges that petitioner was not named in the FIR. He further urges that even otherwise fire-arm injury on the person of complainant/injured has been attributed to pillion rider of the

scooty. He further urges that there was no occasion for the petitioner to participate in the alleged crime, however, complainant who was already having grudge against the petitioner' family, with whom previous enmity was going on and that too on account of death of sister of petitioner under the mysterious circumstances, regarding which father of petitioner had tried his level best to initiate appropriate action but complainant being influential person had been able to evade those proceedings. He further urges that even otherwise no offence under Section 307 IPC is made out against the petitioner as the alleged injury on the person of complainant has not been declared as either dangerous to life or sufficient to cause death. He further urges that though petitioner has no nexus whatsoever with the alleged offence, even then he is ready to join investigation as and when called upon to do so by the investigating agency and, thus, he may be released on pre-arrest bail.

On the other hand, learned State counsel while opposing instant petition has vehemently urged that though petitioner was not named in the FIR but during investigation, complainant/injured-Karan Singh had made supplementary statement on 25.02.2020, wherein he had disclosed the involvement of petitioner in the commission of offence specifically stating that petitioner was driving the offending scooty at the time of incident in question. He further urged that during investigation CCTV footage of the area of place of occurrence were collected and in terms of that CCTV footage and photographs, complainant-Karan Singh had identified the driver of scooty as Bhupinder Singh and to this effect identification memo of accused was prepared. He further urges that civil suit is already pending adjudication between complainant and his in-laws. He further urges that

custodial interrogation of petitioner is required as identity of pillion rider, who fired upon complainant, is yet to be traced out and as such petitioner does not deserve the concession of pre-arrest bail.

I have heard learned counsel for the parties and have carefully gone through the record as well as reply submitted on behalf of respondent-State.

Without commenting anything on the merits of the case, as per prosecution version, two persons out of whom driver having his face muffled came on a motorcycle and then pillion rider fired a shot from pistol hitting on the back of complainant/injured. In his supplementary statement recorded on the very next day of alleged occurrence, complainant/injured disclosed that the person in muffled face was his brother-in-law namely Bhupinder Singh, petitioner herein. Learned State counsel has emphatically pointed out that identity of pillion rider, who fired upon complainant, is yet to be traced out and as such custodial interrogation of petitioner is necessitated.

In view of above allegations, in case concession of pre-arrest bail is extended to the petitioner, it would lead to lawlessness in the society. Keeping in view totality of entire scenario, no extra-ordinary ground has been made out in favour of petitioner for his entitlement of pre-arrest bail.

As a sequel to above, instant petition for grant of pre-arrest bail moved by the petitioner is dismissed.

July 30, 2020
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(LALIT BATRA)
JUDGE

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