

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13545-2020(O&M)

Date of decision: 11.6.2020

Kashmir Singh @ Katta

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Himanshu Puri, Advocate for the petitioner

Mr. S.P.S.Tinna, Addl. AG, Punjab

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for grant of pre-arrest bail to the petitioner in a criminal case arising from FIR No.105 dated 4.12.2019 registered under Sections 307, 148, 149 IPC and Section 25 of the Arms Act at Police Station Begowal, District Kapurthala.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge in para 2 of the order dated 6.2.2020, which is extracted as under:-

“Briefly, the facts and circumstances on record necessary to be mentioned herein for consideration of the present anticipatory bail application of the applicant/ accused are that the present case was registered at the instance of Surinder Singh (hereinafter called complainant) with the version that on 03.12.2019 at about 03.00 PM, his son

Shamsher Singh, has received a threatening call from Kashmir Singh @ Katta. At that time, complainant Surinder Singh was out of his house and when intimated by his son Shamsher Singh about the aforesaid threatening call, he immediately moved back to his house. On the way to his house, he called Kashmir Singh from his mobile phone and asked him about the threatening call, made by him to his son Shamsher Singh, upon which, the said Kashmir Singh also started threatening the complainant and told him not to inform the police about that. Thereafter, when the complainant came back to his house, he saw that Satwant Singh father of said Kashmir Singh, argued with the wife of complainant in front of his house. Then, the said Satwant Singh made a telephonic call and called someone at the spot by stating that Surinder Singh has reached at his house. After that, the said Satwant Singh manhandled with the complainant Surinder Singh, but with the intervention of people of locality, the matter was sorted and Satwant Singh went to his house. Afterwards, the said Kashmir Singh @ Katta again threatened the complainant on phone and told him that he will be there with weapons. In the intervening night of 03/04.12.2019 at about 01.30 AM, someone has knocked the gate of his house. Then,

aforesaid Kashmir Singh @ Katta raised a slogan and fired three shots from his rifle, out of which, one hit on the right thigh and one on the left foot thumb of the complainant. He immediately ran towards the roof of his house and in the light of bulb, witnessed the presence of Kashmir Singh @ Katta armed with rifle, Gurpreet Singh @ Gopi empty-handed, Akashdeep with some small weapon, Amrik Singh @ Laddu armed with sickle, Honey empty-handed along with some unknown persons. The said Kashmir Singh @ Katta again fired three shots from his rifle, which hit on the roof of the complainant. Then, after throwing brick bats by the complainant on the said assailants, all of them were run away from the spot with their respective weapons.”

Learned counsel for the petitioner contends that first informant had attacked father of the petitioner Sh. Satwant Singh on 3.12.2019 and the present false FIR has been registered in order to pressurize the family of the petitioner for not pursuing the aforesaid case against the first informant. He submits that with regard to the aforesaid incident, FIR No. 109 dated 9.12.2019 has been got registered by Satwant Singh.

On the other hand, learned counsel representing the State has submitted that petitioner is the main accused. He was armed with a rifle and fired as many as five bullets, out of which three bullets injured the

first informant.

The FIR by the father of the petitioner is subsequent to the present FIR. Allegations against the petitioner are serious. He is alleged to have used fire arm extensively. In these circumstances, this Court is not inclined to grant the concession of pre-arrest bail to the petitioner.

Hence, dismissed.

11.06.2020	(ANIL KSHETARPAL)
rekha	JUDGE
Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No