

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

CRM-M-14091-2020

Date of decision: June 25, 2020

Jarnail Singh

....Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Ishma Randhawa, Advocate
for the petitioner.
(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition under Section 438 Cr.P.C. for grant of concession of anticipatory bail to the petitioner in FIR No.205 dated 16.8.2019 under Sections 307, 506, 148 and 149 IPC and Section 25 of the Arms Act, 1959, registered at Police Station City Tarn Taran, District Tarn Taran.

The first anticipatory bail application of the petitioner was dismissed by passing the following order on 16.11.2019 :-

“Learned counsel for the petitioners submits that as per allegations in the FIR, registered at the instance of Gurdiyal Singh, petitioner No.1 Jarnail Singh was holding a 12 bore rifle and petitioner No.2 Major Singh was holding a revolver and they, along with other accused persons, stopped the complainant, who was coming on a motorcycle. Thereafter, co-accused Baljit Singh raised a lalkara. Upon this, petitioner No.1 Jarnail Singh fired with his 12 bore rifle at the complainant, which hit him at the right side of his chest

and petitioner No.2 Major Singh fired with his revolver, with an intention to kill him, which hit on his left side. Other accused persons also caused injuries to the complainant with their respective weapons. The complainant and his son fell down on the ground and thereafter, co-accused Lakhwinder Singh fired with his 12 bore rifle, with an intention to kill them, which passed above head of the complainant. Thereafter, the complainant, in his self-defence, also fired the shot and then the accused persons ran away.

Learned counsel for the petitioners has argued that the petitioners have been falsely implicated in the case, as the injuries described in the FIR, are not corroborated with the MLR and the same are manipulated. It is further argued that as per the MLR, none of the injury is proved to be caused by firearm and are simple in nature. It is also argued that two co-accused of the petitioners namely Baljit Singh and Nirvail Singh have already been granted the concession of anticipatory bail vide order dated 31.10.2019 passed in CRM-M-43799-2019 and one another co-accused Lakhwinder Singh has also been granted the concession of anticipatory bail vide order of even date i.e. 31.10.2019 passed in CRM-M44361-2019.

Learned State counsel, on instructions from the Investigating Officer and assisted by learned counsel for the complainant, has, however, opposed the prayer for bail on the ground that there are direct allegations against the petitioners of causing firearm injuries to the complainant, with an intention to kill him. It is submitted that co-accused Baljit Singh and Nirvail Singh were granted the concession of anticipatory bail, as they were shown armed with sword and datar,

however, there is no allegation that they have caused injuries, as per the MLR. It is also submitted that another co-accused Lakhwinder Singh was granted the concession of anticipatory bail on the ground that on verification from the gun house, it was found that his weapon was lying deposited there.

After hearing learned counsel for the parties, I find no merit in the present petition, as there are direct allegations against the petitioners that they have caused firearm injuries to the complainant. The complainant had also stated that the injuries were caused with an intention to kill him.

Therefore, finding no ground to grant anticipatory bail to the petitioners, present petition is dismissed.

The observations made above will have no bearing on merits of the case.

The petitioner has again filed the present petition for grant of anticipatory bail.

A perusal of the FIR shows that there are direct allegations against the petitioner and the FIR was registered on 16.8.2019 and for the last 10 months after dismissal of the anticipatory bail application by this Court, the petitioner is avoiding his arrest and is not allowing the police to complete the investigation.

After hearing counsel for the petitioner, no new ground is made out to grant of anticipatory bail to the petitioner.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

June 25, 2020
satish

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