

202

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15888 of 2020

DECIDED ON: JUNE 29, 2020

GURPREET SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. PBS Goraya, Advocate
for the petitioner.

Mr. Gaurav Dhuriwala, Sr. DAG, Punjab.

Mr. GPS Bal, Advocate
for the complainant.

AVNEESH JHINGAN, J (ORAL)

The matter has been taken up for hearing through video conferencing due to COVID-19 situation.

The present petition is filed being aggrieved of the order dated 16.06.2020 passed by Additional Sessions Judge, Amritsar rejecting the prayer of anticipatory bail in FIR No. 77, dated 03.06.2020, under Sections 307, 336, 506, 148 and 149 IPC, registered at Police Station Gharinda, Amritsar.

FIR was registered at the instance of Captain Singh son of Kuldeep Singh, who is contractor of the procurement agency. Allegations are that the wheat of Dilbagh Singh and Rajinder Singh came to be sold in the Mandi. It was found on weighing that the wheat is mixed with sand and latin. The District Food and Supply Officer rejected both the trolleys

of the commission agents. At about 1.40 PM, Dilbagh Singh son of Karaj Singh armed with pistol, Gurpreet Singh armed with .315 bore rifle, Rajinder Singh armed with pistol, Avtar Singh armed with baseball bat, Narinder Singh armed with .315 bore rifle, Ravi Masih armed with kirch alongwith two unknown persons came at the spot, lalkara was raised. Dilbagh Singh fired from his pistol which hit on the left thigh of Sawinder Singh. Thereafter all the accused while firing in the air and giving threats left the spot.

Learned counsel for the petitioner submits that neither any specific role nor injury is attributed to the petitioner. It is argued that petitioner also suffered an injury for which reliance is placed upon MLR annexed with the petitioner as Annexure P-2 and it is stated that police has not registered the case.

Learned counsel for the complainant vehemently opposes the grant of anticipatory bail. He submits that MLR is procured one, to create an *alibi*. Complainant suffered a gun shot injury which went through his left thigh and all other accomplices while going back fired in the air.

Learned State counsel rebuts the argument raised by learned counsel for the petitioner stating that specific role is attributed, the petitioner was armed with .315 bore rifle and the recovery of the same is yet to be made. He submits that Avtar Singh has been arrested. He further submits that though MLR has been received but the statement of the petitioner has not been recorded therefore, the cross case has yet not been registered.

Considering the rival submissions, in the FIR it has been

Specifically mentioned that petitioner was armed with .315 bore rifle. The

allegation is that shots were fired in the air. With regard to the registration of cross case at the instance of petitioner, the same is delayed because of non recording of his statement.

In such circumstances, no case is made out for extending the benefit of anticipatory bail.

The petition is dismissed.

However, it is clarified that anything stated in this order shall not be construed as an observation on the merits of the case.

JUNE 29, 2020
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>