

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

101

CRM-M No.17956 of 2020
DATE OF DECISION : 9th JULY, 2020

Kamal

.... Petitioner

Versus

The State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Sanjeev K. Virk, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory/pre-arrest bail in case FIR No.191 dated 21.06.2020 registered under Section 336 IPC and Sections 25 & 27 of the Arms Act No.54 of 1959, at Police Station City Phagwara, District Kapurthala.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted; because of the prior enmity with the alleged secret informant. Otherwise, even as per the case of the prosecution, the alleged incident had happened inside the house of the co-accused and it was not concerning any other public person at all. Still further, it is submitted that although the allegation of firing is totally wrong, however, this again; was inside the house of the co-accused-Deepa and it was not aimed at any person. Moreover, the weapon, allegedly used in the incident, is a licensed weapon of the co-accused-Deepa.

Notice of motion.

Mr. Randhir Singh Thind, DAG, Punjab, accepts notice on behalf of the State.

Learned State counsel, being instructed by SI Kulwant Singh, has submitted that the name of the petitioner has specifically surfaced in the case. The allegations against the petitioner and co-accused are qua firing in the air. The weapon is still to be recovered. Hence the petitioner does not deserve the concession of anticipatory bail. However, it is not disputed that the alleged incident happened within the premises of accused and that police have not even verified as to whether the alleged weapon is licensed or not.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

9th JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>