

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1.)

CRM-M-20213-2020 (O&M)
Date of Decision:-21.09.2020.

Sandeep Singh @ Sonu Rock

.....Petitioner

Versus

State of Punjab

.....Respondent

(2.)

CRM-M-20678-2020

Gagandeep Singh @ Rinka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Gagandeep Singh Bajwa, Advocate for the petitioner in
CRM-M-20213-2020.

Mr. Rishu Mahajan, Advocate for the petitioner in
CRM-M-20678-2020.

Mr. Gaurav Garg Dhuriwala, Senior DAG, Punjab.

SANJAY KUMAR, J. (Oral)

The petitioners in these two cases figure amongst the accused in FIR No.41 dated 03.03.2020 on the file of Police Station C-Division, Amritsar City, registered under Sections 307, 506, 148 and 149 IPC and Sections 25 and 27 of the Arms Act, 1959. By way of these petitions filed under Section 438 Cr.P.C., they seek anticipatory bail.

The Assistant Commissioner of Police, South, Amritsar City, filed a reply in CRM-M-20213-2020. Therein, he stated as follows:-

Sukhdev Singh, the complainant, had stated that on 03.03.2020 at about 8 p.m., when he was present at Himmatpura Chowk along with his sons, Karan and Rohit, the accused came there with arms and attacked his sons. One of the accused, Bunty, fired a shot from his pistol and the bullet hit Rohit in his stomach. The complainant raised an alarm and thereupon, the accused ran away from the spot.

As per the Assistant Commissioner, 4 empty cartridge cases were recovered and 2 of the accused were arrested on 04.03.2020. The final report (*challan*) under Section 173 Cr.P.C. was filed against the said 2 accused but the charges are yet to be framed. The case is stated to be pending trial before the learned Additional Sessions Judge, Amritsar. The Assistant Commissioner, however, confirmed that the complainant and his son, Rohit, had effected a compromise with the accused and had stated so, by way of affidavits. The Assistant Commissioner, however, asserted that the case was serious in nature, involving offences under Section 307 IPC and Section 25 of the Arms Act, 1959, and therefore, the compromise

between the parties, even if true, ought not to be taken into consideration or be acted upon. This Court finds merit in this stand on the part of the police authorities.

However, as matters stand, neither of the petitioners is attributed with causing any grievous injury to the victim. Further, the co-accused of the petitioners were already granted the benefit of anticipatory bail and are stated to have joined the investigation. That being so, it would suffice at this stage if the petitioners also join investigation and cooperate with the police authorities.

The petitions are accordingly allowed directing both the petitioners to forthwith join investigation in FIR No.0041 dated 03.03.2020 on the file of Police Station C-Division, Amritsar City. However, if their arrest is warranted in relation to this case at any time in future, they shall be released on bail upon furnishing personal bonds for a sum of ₹ 50,000/- each along with one surety each for a like sum to the satisfaction of the arresting/ Investigating Officer. The petitioners shall also abide by the conditions stipulated in Section 438 (2) Cr.P.C.

**(SANJAY KUMAR)
JUDGE**

September 21, 2020.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.