

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Through Video Conferencing)**

CRM-M No.21453 of 2020

Date of Decision: 04.08.2020

Parwinder Singh Chauhan and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Jasdeep Singh Gill, Advocate, for the petitioners.

Mr. Prateek Sodhi, Advocate, for the complainant.

Mr. B.S. Sewak, Addl. Advocate General, Punjab.

NIRMALJIT KAUR, J. (ORAL)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.141 dated 29.05.2020 registered under Sections 341/323/506/148/149 of IPC and Sections 25 & 27 of Arms Act, 1959 (Sections 307/325/379-B IPC added lateron) at Police Station B Division, District Amritsar.

While praying for anticipatory bail, learned counsel for the petitioners submitted that FIR was registered under Sections 341/323/506/148/149 of IPC and Sections 25 & 27 of the Arms Act but lateron Section 325 IPC and Sections 307 and 379-B of IPC too was added. Whereas, the actual fact is that there was a meeting between the owners of houses in the park of the society and one person had a minor altercation with petitioner No.1. One of the persons slapped the complainant and the complainant ran to get his pistol and despite his family trying to stop him, he went to the park and attacked one person. Petitioner No.2 tried to stop him but he took out his pistol. Learned counsel for the petitioner further contended that it appears that the complainant has been injured during the

scuffle and got injured with the Bracelete worn by the person who slapped the complainant. It is further stated that all this was evident in the CD, placed on record.

Learned counsel for the respondent/complainant on the other hand has pointed out that it is the own case of petitioners that petitioner No.1 had come to pacify but Vicky pointed his weapon at him and upon which Gurpreet Singh, petitioner No.2 who was having his own licencee weapon too came there.

After hearing learned counsel for the parties as well as perusal of the FIR, it is evident that the weapons were never used and there is no fire arm injury. In fact, it appears to be a case of scuffle only. Even the allegation that the injury was caused with the butt of the pistol rather shows that there was no intention to kill which would invoke an offence under Section 307. Moreover, neither of the parties seem to have any motive except that there was a fight during a meeting of the residents of the welfare society. In these circumstances, custodial interrogation is not justified. Accordingly, the petitioners shall join the investigation and petitioner No.2 shall hand over his licenced weapon to the Investigating Officer. In the event of their arrest, they shall be released on anticipatory bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall continue to 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.

Disposed of as above.

04.08.2020

sandeep

(NIRMALJIT KAUR)

JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No