

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(102)

CRM-M-32917-2020

Date of Decision: October 15, 2020

Jatinder Singh @ Jinda

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Chander Shekhar Singhal, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.87 dated 31.05.2020, under Sections 307, 452, 148, 149, 188 IPC and Section 25 of the Arms Act, registered at Police Station Tibba, District Ludhiana.

Learned counsel for the petitioner argues that as per the allegations alleged in the FIR, the petitioner was stated to be armed with revolver and he had fired at the complainant's father though he missed the target. Learned counsel for the petitioner submits that in fact, the petitioner had fired in the air and not at the father of the complainant and therefore, no ingredient of Section 307 IPC is present keeping in view the allegations alleged in the FIR and as there is no injury caused to the victim, the petitioner may kindly be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General,

Punjab, who has joined the proceedings through video conference, keeping in

view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that the allegations in the FIR are that the petitioner was armed with the revolver and he had fired upon the father of the complainant though, he missed the target. Learned counsel for the respondent further submits that the weapon is yet to be recovered and the custodial interrogation of the petitioner is necessary to unearth the truth behind the allegations.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Allegation in the FIR is clear that the petitioner was armed with the revolver and had fired upon the father of the complainant. Merely because merely he missed the target and there is no injury to the victim, the petitioner cannot be granted the benefit of anticipatory bail as, the weapon is yet to be recovered from the petitioner.

Using the revolver without there being a licence is to be explained by the petitioner including the procurement of the said revolver. The petitioner is evading the arrest for the last more than four months.

In the present circumstances, the custodial interrogation of the petitioner is necessary to unearth the truth. No ground is made out to grant the petitioner the benefit of anticipatory bail.

Accordingly, the present petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

October 15, 2020
harsha/naresh.k

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