

105 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7220-2021
Date of Decision: 02.03.2021

SAHIB SINGH @ SABI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Lupil Gupta, Advocate for the petitioner
Ms.Samina Dhir, Deputy Advocate General, Punjab

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.182 dated 27.11.2018 registered under Sections 307, 323, 506, 148, 149 IPC and Sections 25, 27, 54, 59 of the Arms Act, 1959 at Police Station Goindwal Sahib, District Tarn Taran.

Briefly stated, the case of the prosecution is that on 27.11.2018, at 3.25 pm, when the complainant and his cousin Jagroop Singh were standing at Goindwal Sahib bus stand, the petitioner, along with his co-accused, came there in four cars. Thereafter, the petitioner and his co-accused, who were armed with a .315 rifle, one springfield rifle, kirpans, baseball bats etc. came out of their cars and after the petitioner exhorted his co-accused to teach a lesson to the complainant, who ran a rival transport company, attacked the complainant with his kirpan and in the process of the complainant trying to save himself he received an injury from the petitioner

on his right hand. Co-accused Nirmal Singh then attacked the complainant with a baseball bat and hit him on his legs, back of his left thigh and near his right knee. When the complainant and his cousin Jagroop Singh tried to escape co-accused Gurlal fired upon them with his rifle but they managed to escape. Thereafter, the petitioner and his co-accused, after giving threats to the complainant not to allure their passengers, sat in their cars and sped away.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case; the petitioner is attributed a simple injury and that he is ready and willing to join investigation as and when called by the investigating agency.

Learned State counsel who appears on advance notice opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner, due to business rivalry, exhorted his co-accused to give beatings to the complainant. On his exhortation his co-accused gave merciless beatings and even fired upon the complainant and the petitioner is himself also attributed a kirpan blow on the complainant's right hand. It is further submitted that the petitioner is also facing trial in FIR No.307 dated 27.11.2018 under Sections 307, 186, 353, 148, 149 IPC read with Sections 25 and 27 of the Arms Act, 1959 registered at police station City Tarn Taran, District Tarn Taran and while on bail in that case has committed the offence which is subject matter of the present FIR.

The petitioner is facing another trial also for attempt to murder in which there are allegations against him and his co-accused of having opened fire upon police personnel on duty. While on bail in such case he is alleged to have again committed an offence for attempt to murder in which

he has also actively participated.

In view of the serious allegations against the petitioner and for the reason that the petitioner has misused the concession of bail granted to him in the earlier case of attempt to murder as also because recovery of the weapon(s) allegedly used by the petitioner is to be made from him the present case is not considered to be a fit case for the grant of concession of anticipatory bail.

Dismissed.

It is clarified that the above observations have been made by this Court to decide the present petition seeking anticipatory bail in which investigation is still going on and therefore these observations be not construed as opinion on the merits of the case.

02.03.2021

gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No