

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

CRM-M-15297 of 2021 (O&M)

Date of Decision: April 07, 2021

Lakhbir Singh alias Lucky Fogi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kapil Khanna, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.105 dated 14.08.2019, registered under Section 307 of Indian Penal Code with read Sections 25, 27 of Arms Act and Section 22 of NDPS Act at Police Station Mahilpur, District Hoshiarpur.

2. Counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case, as the allegations as set out in the FIR are not sustainable. It is submitted that the petitioner was not present at the spot and it was Kharak Singh, who fired at police party, as such, no injury has been attributed to the petitioner herein. It is argued that recovery has already been made and nothing is to be recovered from the petitioner.

3. Notice of motion was issued in the matter, pursuant to which appearance has caused on behalf of the respondent-State.

4. Learned counsel appearing on behalf of the respondent-State opposes the grant of anticipatory bail to the petitioner, while contending that there are serious allegations that have been levelled against the petitioner.

5. I have heard learned counsel for the parties and have gone through the pleadings of the case.

6. There are allegations in the FIR that the present petitioner along with co-accused were smuggling chitta and when the police party raided the spot, they all started firing the police party with their weapons. The present petitioner along with co-accused Manu, while taking the benefit of dark, ran away from the spot whereas, co-accused Kharak Singh was nabbed at the spot. From the possession of co-accused Kharak Singh, one pistol was recovered and from the search of car, 110 grams of intoxicant powder was recovered. There are serious allegations that have been levelled against the petitioner herein, as such, his custodial interrogation is required in the matter. Under these circumstances, once custodial interrogation of the petitioner is required for a result oriented investigation, this court is not inclined to grant anticipatory bail to the petitioner.

7. In view of the above, the instant petition is hereby dismissed.

April 07, 2021
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No