

In virtual Court

CRM-M-24265-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24265-2021 (O&M)
Date of decision: 29.06.2021

Labh Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Akhilesh Vyas, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.82 dated 01.04.2021 under Sections 302, 506, 148, 149 IPC and Sections 25 & 27 of Arms Act, registered at Police Station Sadar Amritsar, District Police Commissionerate Amritsar.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered on the statement of Parhlad Kumar @ Pappal, he is doing the business of property dealer and his younger brother is Sunny @ Talli. Co-accused Sunny Gill had leveled allegations against his brother Sunny @ Talli that he has molested his wife Sandhya. The matter was compromised on an earlier occasion. On 31.03.2021, again Surinder Kaur, maternal grandmother of

Sunny Gill complained that his brother Sunny @ Talli is harassing their son. On 01.04.2021, Sunny Gill along with the petitioner, who is his maternal uncle, his brother Sonu Gill, Mohinder Singh and others came at the spot. Surinder Kaur (mother of the petitioner and maternal grandmother of Sunny Gill) raised a lalkara to teach them a lesson. Upon which, Sunny Gill fired shot with his pistol towards the complainant, but he escaped, however, bullet hit on the stomach of his mother Lata. Later on, the accused ran away. It is further submitted that maternal grandmother of main accused Sunny Gill, Surinder Kaur has already been granted the concession of anticipatory bail by the Coordinate Bench vide order dated 12.05.2021 passed in CRM-M-18688-2021, noticing the fact that she is an old-lady and is only attributed lalkara. It is also submitted that the petitioner is maternal uncle of Sunny Gill and except the allegations that he was present at the spot, there is no attribution of any active participation, as the deceased died of single gun shot fired by main accused Sunny Gill. It is further submitted that Sunny Gill as well as his wife Sandhya have been arrested and are in judicial custody.

Learned State counsel, in reply, has submitted that as per the FIR, the petitioner was having a stick, however, there is no allegation that he has used the same or provoked the incident.

After hearing learned counsel for the parties and considering the fact that mother of the petitioner, who is attributed lalkara, has already been granted the concession of anticipatory bail by the Coordinate Bench. She is maternal grandmother of Sunny Gill, whereas the petitioner is maternal uncle of Sunny Gill i.e. son of Surinder Kaur. There is no allegation of any previous

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enmity with the petitioner in the FIR and except his presence at the spot, nothing is attributed towards him.

Accordingly, this petition is allowed and the petitioner is granted anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

**[ARVIND SINGH SANGWAN]
JUDGE**

29.06.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No