

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-28192 of 2021

Date of Decision: 22.07.2021

Amritpal Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Lupil Gupta, Advocate for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No. 54 dated 26.5.2021, under Sections 307/336/506/323 IPC and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Bhikhiwind, District Tarn Taran.

The FIR was on the basis of statement made by Manpreet Singh. As per the allegations, on 25.5.2021 at about 10.30 PM, Amritpal (petitioner) standing outside house of the complainant raised a *lalkara* challenging the complainant to come outside and face consequences for construction of a stadium in his field. The petitioner along with Manpreet Singh, Gursewak Singh, Lakhbir Singh and five to seven unidentified persons were standing in the street. The petitioner was armed with .12 bore double barrel gun. The accused started throwing bricks at the house of the complainant. In the meanwhile, the petitioner fired a shot straight at the complainant. The family members saved themselves by hiding behind the pillars. The complainant suffered a bullet pallet injury on the knee.

Learned counsel for the petitioner argues that as per the FIR

the petitioner fired straight but the injury is on the knee, the story is improbable and no empty cartridge was found at the spot.

Learned counsel for the State, on instructions from ASI-Major Singh, vehemently opposes the prayer for grant of pre-arrest bail. She submits that there is a use of fire arm weapon and custodial interrogation is necessary for recovery of the weapon. It is further argued that the complainant and the petitioner are from same village and there is every chance of the complainant and the witnesses being influenced.

It is a case where in a pre-planned manner to satisfy the grudges being carried out due to construction of a stadium, the petitioner at late night along with co-accused attacked the house of the complainant. A bullet was fired and there is a pallet injury received by the complainant. The argument that the bullet was fired straight but the injury is on the knee does not enhance the case of the petitioner for grant of anticipatory bail as it would be subject matter of investigation. Moreover, in case of firing by double barrel gun, distance from which the bullet was fired would be one of the factor. From the facts, it is forthcoming that the petitioner and complainant are from the same village, there is a fair possibility of complainant party and the witnesses being influenced. It is a case where deeper probe is required.

No case is made out for grant of pre-arrest bail.

The petition is dismissed.

It is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

22nd July, 2021

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1. Whether speaking/ reasoned	:	Yes
2. Whether reportable	:	Yes