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

CRM-M-28613-2021

Date of decision-23.07.2021

Gurpreet Singh @ Soni

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S.Chahal, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.71 dated 29.05.2021 under Sections 307, 382, 323, 341, 506, 148, 149 and 120-B Indian Penal Code, 1860 (Section 325 IPC added later on) and Section 25 Arms Act, 1959 registered at Police Station Banur, District Patiala.

The FIR was registered on the statement of Prem Singh (complainant) and the allegations as noticed by the learned Additional Sessions Judge, Patiala in the order dated 15.07.2021 are as under:

“This FIR was registered at the instance of Prem Singh son of Jeet Singh, who made statement before the police on 29.05.2021 on the allegations that on that day, he and his nephew Arvinder Singh alias Binda were going on motor cycle and about 7.15 AM, when they reached near road, they saw Buta Singh along with 8-10 persons with two vehicles. Buta Singh opened fire in the air from his revolver and raised Lalkara. Then he fired four shots from his revolver upon the complainant, out of which one hit near his right shoulder. The complainant fell

down and then brother-in-law (Saala) of Buta Singh gave rod blow, whereas his brother-in-law (Jija) gave reverse Gandasi blow to the complainant on his left bicep. Gurpreet Singh gave rod blows, whereas his son Pavneet Singh gave Danda blows. Pavneet Singh, Gurpreet Singh, wife of Buta Singh and his mother gave Danda blows to Arvinder Singh. During this period, some more unknown persons came on another vehicle, who gave Kirpan blows on little finger of left hand and on left arm of nephew of the complainant. Buta Singh and Pavneet Singh also snatched an amount of Rs.50,000/- from the complainant and mobile phone of his nephew. Thereafter, said persons fled away from the spot.”

Learned counsel for the petitioner has argued that the complainant-Prem Singh had a dispute with petitioner's brother Buta Singh who in fact had set up this occurrence to cause injuries to his brother. He further submits that the gunshot was fired by Buta Singh while exercising his right of private defence and the petitioner has been falsely implicated being his brother. It is vehemently argued that except for Buta Singh and the present petitioner, the other relatives, who were implicated in this case were later on found innocent. It is prayed that as the petitioner is willing to join the investigation, therefore, concession of anticipatory bail be granted to him.

After hearing learned counsel for the petitioner, this Court finds that the alleged occurrence is admitted and as per allegations, the petitioner, who was armed with a rod, caused injuries upon the victim when he was lying on the ground as a result of fire arm injury. The plea regarding exercise of right of private defence would be a subject matter of trial, therefore, it would not be appropriate for this Court to make any comment in this regard.

Considering the above background and the role attributed to the petitioner, this Court without meaning any expression or opinion on the merits of this case, does not find it to be a fit case for grant of extra ordinary relief of pre-arrest bail to the petitioner.

Dismissed.

23.07.2021

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(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No