

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103/2) Date of Decision: 28.09.2021
CRM-M-38728 of 2021

Kishanjeet Singh ...Petitioner

Versus

State of Punjab ...Respondent

2) CRM-M-38766 of 2021

Jambo alias Anwar Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. L.M. Gulati, Advocate, for the petitioner
in both the petitions.
Mr. Rana Harjasdeep Singh, DAG, Punjab.

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

By these two petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner in each petition seeks the concession of anticipatory bail, upon FIR no.170, dated 28.06.2021, having been registered at Police Station Maqboolpura, District Amritsar, alleging therein the commission of offences punishable under Sections 323, 379B, 506, 336, 148 and 149 of the IPC and Section 25 of the Arms Act, 1959.

On 17.09.2021, the following order had been passed by this court:-

“Case heard by way of video conferencing.

After arguing for some time when this court was not inclined to entertain these petitions, learned counsel for the petitioners seeks an adjournment on the ground that the arguing counsel is in personal difficulty.

On her request, adjourned to 24.09.2021.

It is made clear that there is no interim order operating in favour of the petitioners in both the petitions.

A copy of this order be placed on the file of the other connected matter too.”

Today Mr. L.M. Gulati, Advocate, appears for the petitioners in each petition and reiterates what his associate had argued on that date, to the effect that the injuries attributed to both the petitioners being simple injuries, there would be no reason for them to be bailed out, with the allegation as regards the commission of an offence punishable under Section 379B of the IPC not being attributed to either of the two petitioners in these two petitions.

He further submits that a co-accused of the petitioners, Kaka, has already been admitted to bail by this court.

Having considered the matter, firstly of course it is to be seen that the allegations in the FIR are of the commission of offences punishable under Sections 323, 379-B, 506, 336 of the IPC read with Sections 148 and 149 thereof, as also Section 25 of the Arms Act, 1959.

Whereas the applicability of the Arms Act may not be a ground for refusal of the bail to the petitioners, with the person who is alleged to have fired shots in the air, having been admitted to bail(i.e. Kaka), on the

ground that the possibility of him having been roped in could not be ruled out, with no injury at all attributed to him; however, as regards the present petitioners, I see absolutely no reason to admit them to anticipatory bail at least, the parameters of admitting a person to bail under the provisions of Section 439 of the Cr.P.C. being completely different to those under the provisions of Section 438 thereof.

Consequently, without making any comment on the actual merits of the case, but for the purpose of these petitions, finding no merit in them, they are dismissed.

Naturally, if the petitioners/either of them are arrested and if they file applications under the provisions of Section 439 of the Cr.P.C. those would be considered and decided expeditiously, on the merits thereof.

A copy of this order be placed on the file of the other connected matter too.

28.09.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes

Whether reportable: No