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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-42152-2021
Date of Decision : 12.10.2021**

Harwinder Singh @ Sonu Bala

...Petitioner

versus

State of Punjab & Anr.

...Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sakti Mehta, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Vipul Sachdeva, Advocate for the complainant.

AVNEESH JHINGAN, JUDGE (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 0199 dated 06.09.2021, under Sections 336, 323 read with Section 34 of IPC and Sections 25 and 27 of the Arms Act 1959, registered at Police Station City Samana, District Patiala.

The allegations in the FIR are that on 3rd September 2021, Harwinder Singh @ Sonu Bala along with Sinder Singh @ Chuchu and one unknown boy were having dinner at a Dhaba where the complainant was also there. The petitioner fired from his revolver in air. When complainant tried to stopped him there was an altercation and the complainant was given beating.

Learned counsel for the petitioner submits that it is a case of false implications. He submits that the matter has been compromised between the parties. He also relies upon the fact that Sinder Singh @ Chuchu was granted

anticipatory bail by Additional Sessions Judge.

Mr. Vipul Sachdeva, Advocate appears on behalf of the complainant and admits the factum of complaint.

Learned State counsel on instructions from ASI Tajinder Pal Singh submits that it is a case of no injury. No empty cartridge was recovered from the spot.

Considering that no one sustained injury and the issue that incident as narrated in the FIR actually happened, is a debatable issue. The petitioner is granted anticipatory bail subject to his joining investigation within 10 days. In the event of his arrest, the petitioner shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Arresting Officer. He is directed to join the investigation as and when called for. He shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The petition is allowed.

In case of failure of petitioner to join the investigation, the State would be at liberty to file an application for re-calling of this order.

12th October 2021

Manju

**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No