

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

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**CRM-M-48166-2021
Date of decision: 20.12.2021**

KARAN SHARMA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. C.M.Munjial, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab
for the respondent-State.

SANT PARKASH, J. (ORAL)

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.62 dated 09.07.2021 registered under Sections 302/427/506/34/120-B of the Indian Penal Code, 1860 (for short, "the IPC") and Sections 25/27 of the Arms Act, 1959 at Police Station Khui Khera, District Fazilka.

Notice of motion was issued on 17.11.2021 by this Court.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Jora Singh, PPS, Deputy Superintendent of Police, Sub-Division Fazilka.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner was not present at the spot and there is no evidence of the petitioner having

a gun and sitting on the front seat of the vehicle involved in the occurrence. No specific role has been attributed to the petitioner and there was no motive for the petitioner to commit such an offence. The petitioner is ready to join the investigation and his custodial interrogation is not required.

On the other hand, learned State Counsel has submitted that the petitioner, who was working as *Munim* in the petrol pump being owned by wife of co-accused Parvesh Kumar was actively involved in the commission of crime. Custodial interrogation of the petitioner is required to investigate the case effectively and for recovery of the fire arm. In view of gravity of accusation, the quantum of sentence which the conviction may entail and other related factors, the petitioner does not deserve the grant of anticipatory bail and the petition may be dismissed.

The Courts have been granted power to grant anticipatory bail to protect against motivated criminal litigation instituted at the instance of unscrupulous litigants animated by malice or political vendetta. Grant of anticipatory bail is an extra-ordinary remedy and is not, therefore, intended to be granted in every case. Number of factors including nature and gravity of the offences, quantum of sentence, likelihood of the accused absconding, intimidating or influencing the witnesses or tempering with the evidence or committing similar offences have also to be taken into consideration.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that the petitioner was accompanying the main accused/conspirator Parvesh

Kumar who gave fire shot to Amar Singh (deceased) from his revolver, the heinous nature of crime where elder son killed his own father and the petitioner-Karan Sharma carrying a gun along with main accused Parvesh Kumar sitting on the front seat of the vehicle involved in the occurrence, also that custodial interrogation of the petitioner is required for recovery of the fire arm, quantum of sentence which conviction may entail, consequent apprehension of the petitioner fleeing from justice or tempering with evidence or criminally intimidating the prosecution witnesses and also that there is no motive for false implication but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner does not deserve the grant of anticipatory bail.

In view of the above, the petition for grant of anticipatory bail to the petitioner is hereby dismissed.

20.12.2021
kavneet singh

(SANT PARKASH)
JUDGE

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