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

CRM-M-49578-2021

Date of decision : 26.11.2021

HARINDER PAL SINGH @ GAGGI @ EKAM

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Tarun Deep Kumar, Advocate for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.14 dated 23.02.2021 registered under Sections 307, 325, 323, 500, 506, 341, 148, 149 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 at Police Station Hathur, District Ludhiana.

Learned counsel for the petitioner has submitted that in the present case, even as per the allegations in the FIR, no injury has been attributed to the petitioner. It is argued that the injury on the head has been attributed to Gurmanjot Singh @ Toor and Harjit Singh @ Baba. It is further argued that even the alleged theft of coat and T-Shirt and the amount which was there in the coat pocket of the complainant has also been attributed to

Gurmanjot Singh and Harjit Singh @ Baba. It is submitted that in fact, in the present case, 14-15 persons have been involved and the petitioner has been falsely involved. It is also contended that no firearm has been used as per the prosecution version and in fact, not even a single bullet has been fired. It is also submitted that Harminder Singh @ Har, who had also not attributed any injury, has already been granted the concession of anticipatory bail by this Court vide order dated 24.11.2021 passed in CRM-M-42911-2021.

Notice of motion.

On advance notice, Mr. Sarabjit Singh Cheema, AAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted that all the 14-15 persons have caused five injuries to the complainant and four of the said injuries were declared to be grievous. It is, however, not disputed that the petitioner has not caused any injury.

Keeping in view the abovesaid facts and circumstances, moreso the fact that the petitioner has not been attributed any injury and injury on the head has been attributed to Gurmanjot Singh @ Toor and Harjit Singh @ Baba and even the allegations with respect to the alleged theft is not against the petitioner and in fact, there was not even a single bullet fired as per the prosecution case and co-accused namely Harminder Singh @ Har who is similarly placed as the present petitioner, has already been granted the concession of anticipatory bail vide order 24.11.2021 passed in CRM-M-42911-2021, the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his

furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

26.11.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No