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

CRM-M-50156-2021

Date of decision : 01.12.2021

Harpal Singh @ Harbhal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. Sukhbeer Singh, 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.135 dated 03.11.2021 registered under Sections 307, 336, 452, 506, 427, 148, 149 of the Indian Penal Code, 1860 (hereinafter to be referred as “the IPC”) at Police Station Jhabal, District Tarn Taran.

Learned counsel for the petitioner has submitted that in the present case, even as per the prosecution version, no injury had been caused to any person. Only one Baljit Singh who is son of the petitioner

was stated to have fired from his .32 bore pistol which also did not hit the complainant and it is on the basis of the same, Section 307 of the IPC has been added. It is further submitted that as many as 14 persons have been arrayed as an accused without there being any injury attributed to any person and it clearly shows that net had been cast wide. The petitioner is a 53 year old person and no overt act, much less, injury had been attributed to him and he is not involved in any other FIR.

Notice of motion.

On advance notice, Mr. Sukhbeer Singh, 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 on instructions from SI Sone, that the petitioner alongwith 13 persons had attacked the complainant and Baljit Singh had fired from his .32 bore pistol with the intention to kill. The facts that no injury had been caused to the complainant and the petitioner has not been involved in any other case, have not been disputed.

Keeping in view the abovesaid facts and circumstances, moreso the fact that in the present case, no injury had been caused to any person and only Baljit Singh had been attributed fire from his .32 bore pistol and 14 persons have been involved in the present case without there being any injury caused to any person and also the fact that the petitioner is not involved in any other case, 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.

01.12.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No