

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106)

CRM-M-52849 of 2021

Date of Decision: 17.12.2021

Charan Singh @ Karan

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Veneet Sharma, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.176, dated 06.11.2021, having been registered at Police Station Majitha, District Amritsar Rural, alleging therein the commission of offences punishable under Sections 307, 148, 149 of the IPC and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner submits that though the allegation against the petitioner (as per the FIR) is that he fired a shot from a pistol which hit one Sanjiv Kumar, the matter has been compromised with the said Sanjiv Kumar, who has now been impleaded as respondent no.2 in the present petition.

In that regard, he points to the affidavit annexed as Annexure P-2 with the petition.

A perusal thereof undoubtedly shows that the said Sanjiv Kumar has stated that the petitioner had not fired at him and on the asking of

people, the complainant, i.e. Harpreet Singh son of Kabal Singh, had got the name of the petitioner added in the FIR.

Having considered the matter, what is to be noticed by this court is that as per the FIR there is shown to be a firearm injury on Sanjiv Kumar, with the firearm actually stated to have been used to injure/attempt to kill etc. the complainant Harpreet Singh, but he not having been injured, Sanjiv Kumar, being a by stander, having been injured.

Consequently, offences punishable under Sections 307, 148, 149 of the IPC and Sections 25 and 27 of the Arms Act have been alleged to have been committed, as per the FIR.

In the aforesaid circumstances, other than the fact that the complainant is not a person with whom the compromise has been effected, though the person who is stated to have been injured, has seemingly compromised the matter, in my opinion, it is not a case where the petitioner can be granted the concession of at least anticipatory bail.

Consequently, without making any comment on the actual merits of the case, for the reasons stated herein above (for the purpose of this petition only), the petition stands dismissed in *limine*.

17.12.2021
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No