

S.No.209/2

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

CRM-M-415 of 2022 (O&M)

Date of Decision:13.01.2022

Jashanpreet Singh Sodhi

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. K.S. Brar, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.

This is the first petition filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case bearing FIR No.134 dated 06.10.2021 registered under Sections 307, 323, 450, 427, 148, 149 IPC and Sections 25 and 27 of the Arms Act, at Police Station Kulgarhi, District Ferozepur.

On 07.01.2022, this Court was pleased to pass the following order:-

“Inter alia contends that no injury has been attributed to the petitioner and the case of the petitioner is at parity with that of Gurpreet Singh (petitioner in CRM-M-48883-2021) in which notice of motion has been issued and the interim protection has been granted. It has been submitted that the present case is a case of version and cross-version and in the

cross-version which has been recorded against the complainant party, there are allegations of gun shot injuries regarding which Section 307 IPC has been invoked against the complainant party.

Notice of motion.

On advance notice, Mr.Sukhbeer Singh, AAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 13.01.2022.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

To be heard along with CRM-M-48883-2021.”

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has already joined the investigation.

Learned counsel for the complainant and the State Counsel, on instructions from ASI Kulwant Singh, have submitted that although the petitioner has joined the investigation but the recovery of pistol is yet to be made from him.

Learned counsel for the petitioner in rebuttal has submitted that the petitioner had given an affidavit before the police authorities to the effect that he does not have any licensed pistol or any other pistol. It is

further submitted that the petitioner is a young boy and he is not involved in any other case. It is also submitted that the specific injuries caused to two injured namely, Harish and Balwinder, have been attributed to Rajesh and Vinod, whose anticipatory bail applications were also listed today and both of which have been withdrawn. It is also submitted that in the FIR apparently, an exaggerated version has been detailed as it is not possible to believe that four persons were carrying pistols and there were only two injured persons, to whom two co-accused have caused injuries and the other two persons would not have used the same, inspite of the case being one of version and cross-version.

Keeping in view the facts as noticed in the order dated 07.01.2022 and also the fact that the injuries which have been caused to Harish and Balwinder were inflicted by Rajesh and Vinod, who have already withdrawn their anticipatory bail applications and the fact that the petitioner has joined the investigation and is not involved in any other case, as such, is not further required for investigation, the present petition is allowed and the interim order dated 07.01.2022 is made absolute.

However, nothing stated above shall be construed as a final 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 petition.

January 13, 2022
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(VIKAS BAHL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No