

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1382-2022
Date of Decision: 17.01.2022

(I)

Karan

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-1405-2022

(II)

Gautam

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. L.M. Gulati, Advocate, for the petitioner(s).

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J.(Oral)

The present two bail petitions are taken up together for final disposal since both the petitions arise out from the same FIR.

Both the petitions have been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioners in FIR No.118 dated 01.11.2021, under Sections 307/323/34 of IPC and Section 25 of Arms Act, 1959, registered at Police Station 'D'

Division Amritsar, District Amritsar.

As per the FIR which was lodged on the basis of statement made by Sahib Mattu son of Raj Kumar that on 01.11.2021 at around 1.00 P.M when he was standing outside his house, then in the meantime, Gautam (Petitioner in CRM-M-1405-2022) armed with Kirpan and Karan (Petitioner in CRM-M-1382-2022) armed with Datar, Khush armed with Kirpan and Jai Chand empty handed came and abused the complainant and when he asked about the reason of abusing him, then Karan (Petitioner) gave a lalkara that let us catch him and teach him a lesson of being a leader and they all started fighting and beating him. Thereafter Gautam (Petitioner) gave a Kirpan blow which landed on his left cheek and in the meantime, Karan (Petitioner) after taking out a pistol from his dub, fired towards him directly with an intention to kill him. The said fire crossed his lower leg muscle and blood started oozing out and he fell down on the ground. Thereafter all of the aforesaid 3-4 persons started kicking him while he was lying on the ground and he raised a raula of 'maar ditta maar ditta' and in the meantime, the people from the mohalla started collecting at the spot and the accused persons ran away from the spot alongwith their respective weapons. It has been further mentioned in the FIR that the cause of enmity was due to presidentship of the college and there was an enmity between them.

Mr. L.M. Gulati, Advocate who is appearing on behalf of both the petitioners has submitted that it is a case where so far as petitioner Gautam is concerned, the only injury attributed to him was simple in nature and it was on the cheek of the complainant and so far as the other petitioner Karan is concerned, the allegation against him was that he had fired from his pistol which had hit the leg of the complainant. He further submitted that the

petitioners have been falsely implicated in the present case and they are not involved in any other case and have clean antecedents and, therefore, the petitioners may be considered for the grant of anticipatory bail.

On 13.01.2022 a specific query was put to the learned counsel for the parties with regard to the nature of the injuries and the MLR and the learned State counsel had prayed for short accommodation to seek instructions.

Today, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab on instructions from SI Hardayal Singh has submitted that in the present case the complainant had suffered two injuries. One injury was on the leg of the complainant by firearm and the bullet had crossed muscle of the leg and the other injury was on the cheek of the complainant. The learned Deputy Advocate General further submitted that it is a serious case wherein the petitioners alongwith other persons have collectively attacked one person and given him injuries with firearm and with other weapons. It is yet to be ascertained as to what kind of weapon was used by one of the petitioner and as to whether it was a licenced weapon or not and for that purpose recovery of the pistol and other weapons in the offence are required to be ascertained through custodial interrogation. He further submitted that since it was a joint action by the accused persons, therefore, the plea raised by the learned counsel for the petitioners that one of the petitioner had caused only simple injury would not be sustainable. He further submitted that once there was a use of pistol and injuries have been caused by a firearm on the leg of the complainant, it would be a fit case wherein custodial interrogation would be required for the purpose of elicitation of truth and, therefore, has opposed the grant of anticipatory bail

to the petitioners.

I have heard the learned counsel for the parties.

As per the allegations which have been contained in the FIR one of the petitioner namely Karan who got a pistol from his dub and fired towards the complainant which according to the learned counsel for the State, crossed the muscle of the leg of the complainant and injury attributable to the other petitioner was on the cheek of the complainant by using Kirpan and as per the FIR there are total four persons involved in the present case. Allegedly four persons had collectively attacked one person which caused injuries. The submission made by the learned counsel for the petitioners that the injury attributable to one of the petitioner namely Gautam was only simple in nature would not be sustainable in view of the fact that allegedly all the four persons had attacked the complainant together and one of the accused person used firearm. The further argument raised by learned counsel for the petitioner that the petitioners have clean antecedents and they are not involved in any other case would also not suffice in view of the nature and gravity of offence involved in the present case wherein pistol was used for causing injuries and four persons had allegedly attacked one person. The submission made by the learned Deputy Advocate General, Punjab that in the present case for the purpose of recovery of pistol and the other weapons and for the purpose of elicitation of truth, the custodial interrogation of the petitioners is required considering the gravity of the offence, thus carry weight.

Therefore, this Court while considering the entire totality and circumstances of the present case and considering the gravity and magnitude of the offence does not deem it fit and proper to grant the

concession of anticipatory bail to the petitioners.

Consequently, both the petitions are hereby dismissed.

17.01.2022
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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