

104

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8290-2022 (O&M)

Date of Decision: 25.02.2022

Sajan @ Sajanpreet Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parminder Singh, Advocate for
Mr. Narinder Kumar Vadhera, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.07 dated 13.01.2022 registered under Sections 307 and 506 IPC and Sections 25/27 Arms Act, 1959 at Police Station Fatehgarh Churian, Police District Batala, District Gurdaspur, who apprehends his arrest at the hands of Police.

The FIR was registered on the statement of complainant Jatinderpal Singh and the allegations as noticed by the Id. Sessions Judge, Gurdaspur in the order dated 08.02.2022 are as under:

“The brief facts of the prosecution case are that aforesaid FIR has been registered on the statement of complainant Jatinderpal Singh son of Lakhbir Singh, resident of Dalechak, wherein he stated that he is labourer. They are three brothers. On 13.01.2022, he and his younger brother Sunil Kumar alias Babbo, were present on the terrace of his house. At about 5:00 p.m., Sajan son of Kashmir Singh alias Tidi, Maddu son of Niamat Masih and Prince son of Prem Masih, were flying kites in the terrace of his neighbour Prince son of Prem Masih. He and his brother Sunil Kumar alias Babbo stated that as the roof of verandah meant for cattle is very weak and not to come to the side of their house, whereupon the aforesaid accused started abusing them and thereafter they left to their respective house. At about 7:15 p.m., he and his brother Sunil Kumar alias Babbo and Johan son of Jaswinder Singh was standing outside his house in the

street and in the meantime Sajan son of Kashmir Singh alias Tidi, Maddu son of Niamat Masih armed with country made pistol, Prince son of Prem Masih alongwith some unknown assailants came there. On reaching there, Sajan raised lalkara to catch hold of them and they be taught a lesson for restraining them from flying kites and then immediately Maddu and Sajan started firing shots with their respective pistols towards them with the intention to kill them. He and his brother Sunil Kumar alias Babbo immediately ran towards the street for saving themselves. He saw that Maddu son of Niamat Masih fired shot with his pistol towards Johan son of Jaswinder Singh with the intention to kill him, which hit on the left side of his forehead and he fell down on the ground. They raised alarm, whereupon many people came out of their houses and the aforesaid assailants alongwith their respective weapons ran away from the spot while threatening and abusing them. The whole occurrence was witnessed by him and his brother Sunil Kumar alias Babbo. The motive behind the occurrence is that they had restrained Sajan son of Kashmir Singh alias Tidi, Maddu son of Niamat Masih and Prince son of Prem Masih from flying kites on the terrace of Prince son of Prem Masih, because the adjoining roof of verandah of their cattle shed is in weak condition and due to that grudge, the assailants fired shots towards them with the intention to kill them. He and Alisa son of Mukhtar Singh, who is son of his paternal uncle, admitted Johan in injured condition, where the doctor referred him to Guru Nanak Dev Hospital, Amritsar. In the last, the complainant requested that legal proceedings be conducted against aforesaid Sajan, Maddu and Prince.”

Learned counsel has argued that as per allegations, his co-

accused, namely, Madhu caused a firearm injury to John s/o Jaswinder Singh on his forehead and though as per allegations, the petitioner was carrying the firearm weapon, but no injury is attributed to him. He has argued that the petitioner is falsely implicated in this case and in the given facts, his custodial interrogation may not be necessary, particularly when he is willing to join the investigation. He prays for anticipatory bail.

After hearing the learned counsel, this Court finds that as per the allegations by the complainant, the petitioner, who was armed with a firearm weapon is categorically named in the FIR and had fired gunshots upon the complainant. According to the complainant's version, motive is

also attributed to the petitioner, who was flying kites and when the

complainant raised the objection, the petitioner retaliated by way of violence. According to prosecution, the petitioner and his accomplice fired at complainant and others and the shot fired by his co-accused resulted in injury to the injured. Thus, considering the above background, seriousness of the offence, but without commenting anything upon the merits of this case, this Court does not find it to be a fit case for grant of anticipatory bail to the petitioner.

Dismissed.

25.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No