

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-8612-2022

Date of decision : 02.03.2022

Inderjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Srishti Shukla, Advocate
for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, 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.111 dated 12.12.2018 registered under Sections 307, 427, 148, 149 of the Indian Penal Code, 1860 (hereinafter to be referred as “the IPC”) and Sections 25/27/54/59 of the Arms Act, at Police Station Mallanwala, District Ferozepur.

FIR in the present case has been registered on the statement of one Raminder Singh @ Bitta who had stated that he was the then Sarpanch of the Village Ashike and at around 6.30 AM, his friend Vijay's son namely Pardeep Kumar, had come to him for borrowing his Fortuner car for the purpose of bringing some goods from Ludhiana. It is further alleged that at around 7:00 PM, he got a call from the said Pardeep Kumar that when the car was parked in front of the showroom, the present petitioner along with Angrej Singh and 7-8 unknown persons came in a Scorpio car and started firing on the car and also started damaging the car and the said Pardeep

Angrej Singh informed him that they thought that Bitta was sitting in the car and that he would not spare said Bitta and after that, they went away in their Scorpio vehicle when they realised that Bitta was not sitting in the car.

Learned counsel for the petitioner has submitted that in the present case, no injury has been caused to any person and offence under Section 307 of the IPC is not prima facie made out. It is further submitted that the friend of the petitioner, i.e. Angrej Singh was Sarpanch of the Village in the previous terms and said Angrej Singh has been falsely implicated only on account of political rivalry. It is argued that in the present case, enquiry is pending since over 2 years and the petitioner has joined the enquiry and is fully cooperating with the same. It is also argued that in the present case the complainant was not present at the spot and the present FIR has been got registered on the basis of hearsay. It is also submitted that Angrej Singh has already been granted concession of anticipatory bail vide order dated 07.02.2022 passed in CRM-M-4889-2022 by a coordinate Bench of this Court and the case of the present petitioner is on similar footing as that of Angrej Singh.

Notice of motion.

On advance notice, Mr. Rana Harjasdeep Singh, DAG, 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 that in the present case, the Senior Superintendent of Police, had constituted a Special Investigation Team (for short "SIT") and the SIT is still inquiring into the matter and the final report in the said case would be filed soon.

Keeping in view the abovesaid facts and circumstances, moreso, the fact that no injury has been caused to any person in the present case and the complainant as well as the friend (co-accused) of the present petitioner had been contesting the election for the post of Sarpanch of the village and the fact that the petitioner has also appeared before the SIT which has been constituted and has also undertaken to appear and cooperate with the investigation, and also the fact that co-accused of the petitioner has already been granted anticipatory bail vide order dated 07.02.2022 passed in CRM-M-4889-2022 and the case of the present petition is on similar footing as that of Angrej Singh, 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.

It is made clear, in case, the petitioner fails to join the investigation or does not cooperate with the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

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.

(VIKAS BAHL)
JUDGE

March 02, 2022

Davinder Kumar