

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-12227-2022

Date of decision : 19.4.2022

Nirmal Singh alias Foji

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Jagjit Singh Gill, Advocate,
for the petitioners.

Ms. Samina Dhir, DAG, Punjab.

Mr. Suvir Sidhu, Advocate with
Mr. Sukhcharan Singh, Advocate,
for the complainant.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.16 dated 21.2.2022 registered under Sections 307, 341, 323, 506, 34 IPC and Section 25 of Arms Act at Police Station Sangat, District Bathinda.

Counsel for the petitioner submitted that the petitioner has been falsely implicated in this case; that actually the petitioner was working as a Security Guard in Hindustan Petroleum Corporation Limited and due to assembly elections in State of Punjab, the petitioner was allowed to keep his gun in the plant of HPCL as is evident from Annexure P-3.

Counsel for the petitioner further contended that the alleged occurrence took place on 19.2.2022 at about 7/7:30 p.m. and as such, there

was no occasion for the petitioner having his gun with him. He further

contended that even otherwise, the alleged gun shot hit only on non-vital part of the body of complainant-Baljinder Singh.

Counsel further submitted that the petitioner is ready to join the investigation.

Present petition is opposed by the State counsel as well as counsel for the complainant. Both of whom submitted that there are specific allegations against the present petitioner; that he caused fire arm injury on the right thigh of the complainant. It is further contended that the petitioner's custody is required as recovery of firearm used by him is yet to be effected.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner has been named in the FIR which was registered on the basis of the statement of the complainant-Baljinder Singh to the effect that on 19.2.2022 in the evening, the complainant and his father were coming back to their village on a motorcycle and in the way, they were intercepted by the accused persons who were traveling in a car and when the father of the complainant tried to intervene, one of the accused pushed him away and then the present petitioner took out firearm and fired shot which hit on the right thigh of the complainant and thereafter, the accused persons sped away from there. So, in this case, there are specific allegations against the petitioner that he caused fire arm injury on the person of complainant-Baljinder Singh. Said firearm is yet to be recovered. So, this Court is of the view that in the present case, custodial interrogation of the petitioner is required for proper and effective investigation.

In view of above, I am of the view that the petitioner is not entitled to the concession of anticipatory bail. Accordingly, the present petition is dismissed.

April 19, 2022
Paritosh Kumar

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No