

Charan Singh alias Karan

.....Petitioner

Vs.

State of Punjab and others

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. Sultan Singh Gill, Advocate
for the petitioner.

Mr. B.S.Sewak, Addl.A.G., Punjab.

Mr. B.S.Randhawa, Advocate,
for respondent no.3.

AMOL RATTAN SINGH, J. (Oral)

This is the second petition filed by the petitioner seeking to be admitted to bail under the provisions of Section 438 (2) Cr.P.C., the first one, i.e. CRM-M-52849-2021, having been dismissed on 17.12.2021, with the following order passed:-

“Case heard by way of video conferencing.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.176, dated 06.11.2021, having been registered at Police Station Majitha, District Amritsar Rural, alleging therein the commission of offences punishable under Sections 307, 148, 149 of the IPC and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner submits that though the allegation against the petitioner (as per the FIR) is that he fired a shot from a pistol which hit one Sanjiv Kumar, the matter has been

compromised with the said Sanjiv Kumar, who has now been impleaded as respondent no.2 in the present petition.

In that regard, he points to the affidavit annexed as Annexure P2 with the petition.

A perusal thereof undoubtedly shows that the said Sanjiv Kumar has stated that the petitioner had not fired at him and on the asking of people, the complainant, i.e. Harpreet Singh son of Kabal Singh, had got the name of the petitioner added in the FIR.

Having considered the matter, what is to be noticed by this court is that as per the FIR there is shown to be a firearm injury on Sanjiv Kumar, with the firearm actually stated to have been used to injure/attempt to kill etc. the complainant Harpreet Singh, but he not having been injured, Sanjiv Kumar, being a by stander, having been injured.

Consequently, offences punishable under Sections 307, 148, 149 of the IPC and Sections 25 and 27 of the Arms Act have been alleged to have been committed, as per the FIR.

In the aforesaid circumstances, other than the fact that the complainant is not a person with whom the compromise has been effected, though the person who is stated to have been injured, has seemingly compromised the matter, in my opinion, it is not a case where the petitioner can be granted the concession of at least anticipatory bail.

Consequently, without making any comment on the actual merits of the case, for the reasons stated herein above (for the purpose of this petition only), the petition stands dismissed *in limine*.”

Learned counsel for the petitioner submits that the petitioner has now even entered into a compromise with the complainant in the FIR and therefore there would be no cause to arrest him.

This court already having expressed its opinion that a firearm discharge having been made with one person injured, and therefore an offence punishable under Section 307 of the IPC (other than under Sections 25/27 of

the Arms Act, 1959), having been alleged to have been committed, it is not a case where the petitioner can be granted the concession of anticipatory bail, I see no reason to entertain this petition, which is consequently dismissed.

April 28, 2022

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether reasoned/speaking : Yes
Whether reportable : No