

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15706-2022
Date of decision : 16.08.2022

Raj Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Arjun Veer Sharma, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

By way of present petition under Section 438 Cr.P.C., the petitioner seeks pre-arrest bail in FIR No.21 dated 17.02.2021, registered under Sections 307/379-B/34 IPC and Sections 25/27 of Arms Act at Police Station City Rampura, District Bathinda.

2. FIR was registered on the statement made by Ranjit Singh son of Mukhtyar Singh, who alleged that:-

“around 07.30 pm on 16.02.2021 that like routine, I was coming back to my village on foot after completing my work at my fields. When I reached near to the road (phirni) surrounding to my village then one Lovepreet Singh son of Gurpreem Singh, who is belonging to my village was coming crying. Whom I stopped and asked about what happened and why he is crying. He told me that the persons on motorcycles, who are coming from the front side, have snatched my mobile phone forcefully and immediately in confronted them and asked that have you snatched the mobile phone of the child. We are neighborer in the village. I, know you Raj Singh very well that you belong to village

Lehra Mohabbat and your father's name is Piyara Singh, then Raj Singh son of Piyara Singh resident of village Lehra Mohabbat and 2 unknown person alighted from the black colour pulsar motorcycle bearing registration No. PB-10FA-1352 and started to argue with me, by saying that you mind your business. You to may not would have to give your phone to us and later you will regret. In which said Raj Singh took out pistol from his waist directly gave two fire shots at me. The first fire hit at my stomach above the navel and the second fire hit at my left thigh below my hip. I went unconscious and had fallen on ground and the child Lovepreet Singh standing near to me, started raising hue and cry, hearing which many of the habitants of the village gathered there and Raj Singh and other two unknown persons fled away from the spot while firing in the air and left their said motorcycle there. Then my cousin Balbir Singh son of Dilawar Singh arranged for conveyance and got me admitted at civil Hospital, Rampura, where I am under treatment.”

3. While issuing notice of motion on 19.4.2022, this Court observed as under:-

“The petitioner has approached this Court under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.21 dated 17.02.2021 under Sections 307, 379-B, 34 IPC and Sections 25/27 of the Arms Act, registered at Police Station City Rampura, District Bathinda.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has no criminal antecedents and that as a matter of fact, the complainant-victim is a person who has a history of criminal antecedents. He further submits that the petitioner has been falsely arraigned as an accused as the petitioner is an eye witness in murder case of his friend Jagdeep Singh @ Happy and accused in the said case is relative of complainant-Ranjit Singh.

Notice of motion.”

4. Today, learned State counsel has read over the statement of minor Lovepreet Singh, who is eye witness of the whole incidence. As per the same, Lovepreet Singh has almost corroborated the version as contained in the FIR (Annexue P-1).

5. In the considered opinion of this Court, it is not a fit case for grant of anticipatory bail. So far as the fact of the victim being the persons having criminal antecedents and involved in a case to which the petitioner is an eye witness, it may be a defence which is to be seen at the time of trial. Keeping in view the allegations levelled in the FIR and the fact that the arm with which the injury was caused etc. is yet to be recovered, the present petition is dismissed.

6. Nothing observed herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

16.08.2022

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No