

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-18230-2020
Date of decision-17.03.2022**

Raj Karan Singh

...Petitioner

Vs.

Balihar Singh and others

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. P.P.S. Duggal, Advocate for the petitioner.

Mr. Aman Dhir, Advocate for respondents No.1 and 2.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has approached this Court under Section 439(2) Code of Criminal Procedure for the cancellation of pre-arrest bail granted to respondents No.1 and 2 by Additional Sessions Judge, Ferozepur, vide order dated 16.03.2019, in case FIR No.0011 dated 13.02.2020 under Sections 307 and 506 read with Section 34 of Indian Penal Code, 1860 and Section 25/27 of Arms Act, 1959 registered at Police Station Makhu, District Ferozepur.

Learned counsel for the petitioner has argued that the Additional Sessions Judge, Ferozepur has not appreciated the facts and circumstances of the case while extending the concession of pre-arrest bail to the accused as the offence is serious and gun shot injury was suffered by

the injured. Considering the gravity of offence which is punishable under Section 307 IPC, the private respondents do not deserve this concession of anticipatory bail, therefore, the interference is warranted by this Court. He prays for cancellation of bail.

On the other hand, learned counsel appearing on behalf of the accused has argued that the complainant has falsely implicated the accused persons because of on going matrimonial dispute and the concession has been extended to the accused vide order dated 26.2.2020 is based upon proper appreciation of material on record. According to him, the said concession has never been put to misuse, therefore, at the stage, there is no ground for cancellation of bail.

Similar is the stand of learned State counsel who states that opportunity of hearing was given to the Public Prosecutor before extending the concession and accused have been regularly attending the trial proceedings.

During the course of hearing, it is not disputed by learned counsel that the concession of bail has not been misused by the accused, and as a result of matrimonial dispute between the parties the litigation is also pending. Learned counsel states that the order dated 16.03.2019 is being challenged on merits.

After hearing learned counsel for the parties and considering the arguments, this Court finds that as per the allegations in the FIR, the complainant was sitting in his house when he was hit by gun shot fired by an unknown person, and the injury was admittedly found to be simple in nature. The alleged occurrence is not witnessed by any other independent

witness, but only by the relatives of the injured who expressed suspicion upon the private respondents. A perusal of the order dated 16.03.2019 passed by the Additional Sessions Judge, Ferozepur, reveals that the Court has considered the relevant material of the case and exercised the discretion judiciously. It is not a case where it can be said that the Court of Sessions has exceeded its jurisdiction by exercising discretion without considering the sound judicial principles.

Resultantly, this Court is not inclined to exercise the powers under Section 439(2) Cr.P.C.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

17.03.2022
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No