

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-25030-2022

Date of Decision:-01.06.2022

Jodhvir Singh.

.....**Petitioner.**

Versus

State of Punjab.

.....**Respondent.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Amit Dhawan, Advocate for the Petitioner.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of anticipatory bail under Section 438 Cr.PC in case FIR No.14 dated 20.01.2022 under Sections 307, 427, 506, 148, 149 IPC and Sections 25 & 27 of Arms Act registered at Police Station Nakodar Sadar, District Jalandhar(Rural).

The brief facts of the case are that the complainant Gurpreet Singh @ Gopi stated that he along with his elder brother Sarabjit Singh @ Sodhi after a meeting in connection with assembly elections at the house of Robin Singh were going to their house, then in the street, Gurpreet Singh @ Gora, Vishal, Akash and Lovepreet Singh armed with a pistol along with one unknown person also having a pistol started abusing them and raising *lalkara*. When he and Varinder asked the reason for the misbehavior on the part of the said persons, then Gurpreet Singh @ Gora picked up a brick and threw it towards Swift Car bearing registration number PB-10-CB-3339

owned by Varinder Singh. As a result of which rear glass was damaged. Then the unknown person took out his pistol and fired two shots towards them. But they got saved. In the meantime, on hearing his cries his brother Sarabjit Singh came towards them when Lovepreet Singh @ Lamba took out his pistol with an intention to kill Sarabjit Singh @ Sodhi and the shot struck the nose of Sarabjit Singh and he started bleeding profusely and fell on the ground.

During the course of investigation co-accused Vishal was arrested by the police and he allegedly made a disclosure statement to the effect that the petitioner was the unknown person in the FIR, who had also fired from his pistol towards the complainant party.

The Counsel for the petitioner submits that the petitioner has been named in the disclosure statement of his co-accused which has very little evidentiary value. He has been falsely implicated because he had supported the Akali party candidate in the assembly elections who ultimately lost. In fact he was present at his village Mallia Khurd at the time of alleged incident. He thus prays for grant of anticipatory bail.

I have heard learned Counsel for the petitioner.

As per the case of the prosecution, the petitioner was present at the spot and fired pistol shots on the complainant party, though he is not named in the FIR. As per the allegations an unknown person and one Lovepreet Singh @ Lamba had fired on the complainant party and the shot fired by Lovepreet Singh @ Lamba struck Sarabjit Sigh @ Sodhi . Thus it is apparent that the petitioner was one of the main accused and was named as such in the disclosure statement of Vishal who was named in the FIR. In the present case, the custodial interrogation of the petitioner is necessary as

the pistol used in the occurrence is yet to be recovered from him. In fact the investigation would be taken to its logical conclusion only after the petitioner is arrested and the recovery of the firearm is effected.

In view of the above, no ground for grant of the anticipatory bail is made out and accordingly the present petition is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

June 01, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>