

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.26180 of 2022
Reserved on: 22.07.2022
Pronounced on: 03.08.2022

Baljit Singh @ Leader

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.S. Nagra, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
46	16.03.2022	City Gurdaspur, District Gurdaspur	307, 452, 427 IPC and 25 of Arms Act.

1. The petitioner, apprehending from arrest has come up before this Court under Section 438 Cr.P.C. seeking anticipatory bail.
2. In paragraph 9 of the bail petition, the accused declares one case against him, which is as follows:

Sr. No.	FIR No.	Date	Offences	Police Station
1.	45	16.03.2022	307, 452, IPC	City Gurdaspur, District Gurdaspur

3. As per paragraph 9 of the status report, the petitioner has three more criminal cases, whose details are as follows:

Sr. No.	FIR No.	Date	Offences	Police Station
1.	80	31.12.2018	323, 324, 149, 506 IPC	Dorangla
2.	12	20.03.2022	341, 511, 379-B IPC and 25-A of the Arms Act	Dorangla
3.	234	30.11.2021	307, 452 IPC	City Gurdaspur

4. The present case pertains to use of firearms and the petitioner has been named as one of the accused.
5. Ld. Counsel for the petitioner contends that the FIR was registered based on the secret information, which shows that the victim was not interested to report the

matter.

6. While opposing the bail, Ld. counsel representing the State contends that given the criminal past, the accused is likely to indulge in crime once released on bail.

REASONING:

7. Undoubtedly the FIR was registered on the basis of a secret information, but that does not mean that the victim was not interested to inform the police. Four months have passed, and if the victim was not interested, then he would have compromised the matter out of court, which is not the petitioner's stand.

8. An affidavit of the petitioner supports the present petition and despite those three past cases were concealed, including one under section 307 IPC.

9. Whenever the allegations against an accused are of using any firearm, the order granting bail must state reasons, e.g., right of private defence under sections 96 to 106 of IPC, 1860.

10. In the present case, a firearm was used and the petitioner concealed his criminal past, which also includes a case under 307 IPC.

11. Given above, and the unfair conduct of the petitioner does not entitle him to anticipatory bail under section 438 Cr.P.C. In the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for anticipatory bail under section 438 Cr.P.C.

12. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

03.08.2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No