

CRM-M-27044-2022

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

CRM-M-27044-2022

Date of decision: 30.11.2022

Jagpreet Singh @ Binny

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Narinder S. Lucky, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Ms. Raminder Partap Kaur, Advocate,
for the victim.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks anticipatory bail in case FIR No.70 dated 09.03.2022, registered at Police Station Sahnewal, District Police Commissionerate Ludhiana, under Sections 307, 34, 506 and 341 IPC and Sections 25 and 27 of the Arms Act, 1959.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case, rather he is the victim at the hands of the robbers, who have been projected as victims; that as per the status report filed by the Investigating Agency, ASI Deep Chand had twisted the facts and not bothered to apprise the higher officials about the true facts, and that even certain lapses in the investigation had been found. He further submits that even as per the CCTV footage, the petitioner and the co-accused were already present at the spot and had shown their

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damaged car to the police officials, but the CCTV footage had not been taken into consideration.

Learned counsel further contends that there is a delay of 04 days in lodging the FIR, inasmuch as, the alleged occurrence took place on 05.03.2022 whereas the FIR was registered on 09.03.2022; that even the matter has been compromised between the petitioner and injured-Abhay Chauhan, who had allegedly received gun-shot injury at the hands of the petitioner.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had actively participated in the crime and it was the petitioner, who had inflicted gun-shot injuries upon the chests of Aryan and Abhay Chauhan. Moreover, the petitioner is also involved in another case.

However, learned counsel for injured-Abhay Chauhan does not dispute the factum of compromise effected with the petitioner.

I have heard the learned counsel for the parties.

As per the case of the prosecution, the petitioner took out the pistol from his waist area (dub) and had fired shots at Aryan and Abhay Chauhan. When the police officials tried to chase the petitioner and his accomplices, they had managed to run away from the spot in their car through streets by taking advantage of darkness. Moreover in his statement recorded under Section 161 Cr.P.C., injured-Abhay Chauhan stated that he and Aryan had received gun-shot injuries at the hands of the petitioner. The injuries on the person of Abhay Chauhan and Aryan have been declared grievous in nature.

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The above-noted FIR was registered on the complaint of ASI Deep Chand. The petitioner cannot seek bail having compromised the matter with injured-Abhay Chauhan, for the reason that except for him (Abhay Chauhan), one Aryan had also received gun-shot injury on the chest. Moreover, the compromise cannot be taken as a ground, at this stage, for grant of bail keeping in view the nature and gravity of the offence.

Keeping in view the specific role attributed to the petitioner, this Court finds that the petitioner is required for custodial interrogation to take the investigation to its logical conclusion.

Therefore, finding no merit in the present petition, the same is dismissed.

The observations made hereinabove are only for the purpose of deciding the petition for anticipatory bail and shall not be construed as an expression of opinion on the merits of the case.

30.11.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No