

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27173-2022
Reserved on: 02.08.2022
Pronounced on: 24.08.2022

Randhir Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nakul Sharma, Advocate for the petitioner.
Mr. Amitoj Singh Dhaliwal, DAG, Punjab.
Mr. Damanjeet Bhorawal, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
39	19.05.2022	Ghall Khurd, District Ferozepur	307/323/148/149 IPC and 25/27/54/59 of Arms Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 Cr.P.C seeking anticipatory bail.
2. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents. Even as per status report, the petitioners had two FIRs registered against him, but he stands acquitted in one and declared innocent in the other. Thus, he has no criminal history.
3. The petitioner allegedly fired upon the complainant, who bucked and was able to save his life.
4. Ld. Counsel for the petitioner contends that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family. Further, the petitioner's claim is that the complainant party has taken land on lease at throw away prices and since the petitioner was objecting to the same, the complainant party filed a false case against him.
5. Ld. counsel representing the State opposes bail. The contention of behalf of the complainant is that empty cartridges were recovered from the spot which corroborates

the occurrence.

REASONING:

6. The complainant specifically named the petitioner Randhir Singh to have fired upon him. The accused who fires upon a person without provocation or not to defend life or property is not entitled to anticipatory bail.

7. The allegations are serious and offence heinous. The evidence collected so far points out towards petitioner's brutality and thus, is not entitled to bail at this stage.

8. An analysis of the allegations and evidence collected does not warrant the grant of bail to the petitioner.

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail at this stage.

10. 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. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

24.08.2022

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Whether speaking/reasoned:

Yes

Whether reportable:

NO