

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

CRM-M-27448-2022

Date of Decision: August 08, 2022

Vijay Kumar @ Kalu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present:- Mr. Sahil Puri, Advocate for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

AVNEESH JHINGAN, J.(Oral)

This is a petition seeking anticipatory bail in FIR No.93, dated 23.04.2022, under Sections 160, 307, 148, 149, 427 IPC and Section 25 of the Arms Act, 1959, registered at Police Station City, District Kapurthala.

The brief facts of the case are that the police party received a secret information that the accused including the petitioner along with around 10-12 persons armed with illegal weapons were present near the cremation ground of Chuharwal Chungi at a road approaching from Chuharwal Chungi to Bishanpur. The aforesaid persons had inflicted injuries with an intention to kill and damaged the vehicle. Shots were fired creating an atmosphere of terror. The FIR was registered, from the spot, empty shell of the fired bullet and a damaged motorcycle bearing registration No.PB-09AJ-2406 were recovered. During investigation, MLR of a juvenile was received, he had sustained two pistol shots, one fired by the petitioner.

During investigation, Jagjot Singh @ Jagga Baba was arrested. He disclosed that he along with the co-accused armed with *datar, kripa*n and illegal weapons were present near Chucharwal. He

further disclosed that during the fight, his brother Navjot Singh @ Mani Babal was armed with pistol. He fired at accused Vijay @ Kalu and from the opposite side, a shot was fired which hit Sameer on his thigh. After the incident, the accused fled from the spot.

During investigation, Sahil @ Sahu, Arjan Singh @ Fauji and Rohit @ Massu were arrested. They disclosed involvement of the present petitioner in the incident. The statement of the injured juvenile was recorded wherein he stated that the incident was for taking a revenge as Manjeet Sharma @ Bahu had got registered an FIR against Navjot Singh @ Mani Baba. He stated that the accused were armed with sharp edged weapons, pistols and at least 6-8 rounds were fired from both the sides.

Learned counsel for the petitioner submits that it is a case of false implication. The matter has been compromised between the parties. He relies upon the affidavit of the mother of juvenile and an affidavit of Amarjeet Singh alleged eye-witness. The contention is that no specific injury is attributed to the petitioner.

Learned State counsel opposes the aforesaid prayer and submits that in a pre-planned manner the incident was carried out. Fire arms were used. The juvenile sustained a fire-arm injury. As per secret information, both the parties were armed with sophisticated weapons, which need to be recovered. He further submits that the incident is not only *inter se* the party but also had an effect on the law and order situation in the area. He also submits that the matter needs to be considered in view of the affidavit filed by Amarjeet Singh as to whether

a proceedings are required to be initiated against him under Section 176 IPC.

The allegations in the present case are serious. The police got a secret information which was found reliable and acted upon. As a result, the empty shell was recovered. The MLR of injured juvenile was received. From the evidence collected till date, it is apparent that there is use of fire arm weapons. Injuries were inflicted with the gun shots. The injured had given a statement revealing the motive behind the attack which is an indication that the allegations are serious and it was for taking revenge. A deeper probe is required to unearth the specific role played by each of the accused. It would not be appropriate at this stage to conclude that no injury is attributed to the petitioner. As per the reply filed, the petitioner had fired a shot which hit the injured juvenile and further Sections 148 and 149 IPC have been invoked in the FIR.

There is another aspect of the matter to be considered. Considering the nature of the allegations coupled with the fact that the affidavits of the mother of the injured and of the alleged eye witness have been annexed, it is only an indication that the petitioner is tampering the evidence and influencing the witnesses. No case is made out for grant of anticipatory bail.

Dismissed.

August 08, 2022
sarita

(AVNEESH JHINGAN)
JUDGE

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No