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

**CRM-M-31083-2021
Date of Decision: 23.09.2022**

Vinod Kumar @ Billa Petitioner
Versus

State of Punjab and another Respondents

CRM-M-28917-2021

Vinod Kumar @ Billa Petitioner

Versus

State of Punjab and another Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rahul Bhargava, Advocate,
for the petitioner (in both cases).

Mr. Amit Rana, Sr. D.A.G., Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

Both petitions have been taken up together for final disposal with the consent of the learned counsels for the parties, since both the petitions have been filed by the same petitioner i.e. Vinod Kumar @ Billa and on 18.07.2022, it was directed by this in CRM-M-31083-2021 to be heard along with CRM-M-28917-2021 on 23.09.2022.

For the sake of brevity, facts are being taken up from CRM-M-31083-2021.

As per the FIR, the complainant made allegations that two

persons came on his stall for buying burgers, and thereafter, one of the aforesaid persons, namely, Vinod Kumar @ Billa, who is the present petitioner started abusing him, and thereafter, 5-6 more persons came on the stall and started giving pushes to the complainant, and thereafter, the petitioner took out a pistol from his waist and pointed towards him with the intention of killing and issued threat that he will eliminate him completely and in order to save himself, the complainant ran away from the spot. There is also a video footage where the petitioner was seen holding a pistol in his hand along with his accomplices, who were having deadly weapons, attacked the complainant.

Learned counsel for the petitioner, after arguing for some time, has made a request that so far as CRM-M-28917-2021 is concerned, wherein the prayer is made for quashing of FIR on the basis of compromise, he may be permitted to withdraw the same.

The prayer of the learned counsel for the petitioner seeking withdrawal of the petition is accepted.

The second is a petition seeking grant of anticipatory bail. This Court vide order dated 05.08.2021, while issuing notice of motion had granted interim anticipatory bail to the petitioner.

Learned counsel for the petitioner has submitted that in pursuance of the aforesaid order, the petitioner has already joined the investigation and he has also fully co-operated with the investigation process and has prayed that the interim bail granted to the petitioner may be made absolute.

On the other hand, Mr. Amit Rana, learned Sr. D.A.G., Punjab,

on instructions from ASI Kashmir Singh, has submitted that the petitioner has although joined the investigation but he has not fully co-operated with the investigation process. On a query being raised to the learned State counsel as to in what respect, the petitioner has not co-operated with the investigation process, especially in view of the fact that it is a case of no injury, he submitted that the petitioner has deposited one toy pistol, but it is yet to be ascertained that he was carrying an original pistol or not.

Replying to the argument raised by the learned State counsel, it has been submitted by learned counsel for the petitioner that the petitioner was carrying a toy pistol, and therefore, the argument raised by the learned State counsel that he has not submitted the original pistol is not sustainable because he does not possess the same. He has further submitted that be that as it may, the petitioner undertakes to further co-operate with the investigation process as and when called by the I.O. and has also submitted that it is a case of no injury to anybody, therefore, the prayer of the petitioner for grant of anticipatory bail may be accepted.

I have heard the learned counsel for the parties.

The petitioner has already joined the investigation and it is a case of no injury. The petitioner has already surrendered one toy pistol and has undertaken to further co-operate with the investigation process. Therefore, this Court is of the view that the present petition deserves to succeed.

Consequently, both the petition stand disposed of.

(i). CRM-M-28917-2021 is dismissed as withdrawn.

(ii). CRM-M-31083-2021 is allowed and the order dated

05.08.2021 is hereby made absolute.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

23.09.2022

(JASGURPREET SINGH PURI)

Bhumika

JUDGE

1. Whether speaking/reasoned:

Yes
2. Whether reportable:

Yes/No