

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.29845 of 2022 (O&M)
Date of decision : 16.08.2022

Lakhbir Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr. S.K.Guleria, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. P.B.S.Goraya, Advocate
for the complainant.

PANKAJ JAIN, J. (ORAL)

The petitioner prays for grant of pre-arrest bail in FIR No.154 dated 04.05.2022 registered under Sections 307, 506, 34 IPC and Sections 25, 27 & 59 of Arms Act, at Police Station B Division, Amritsar.

At the time of preliminary hearing, the following order was passed:-

“CRM-23996-2022

The present application has been filed under Rule 3 A(1) Chapter VI Part B, Vol. V of the High Court Rules and Orders for grant of leave to file the present anticipatory bail petition.

Application is allowed as prayed for.

CRM-M-29845-2022

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 praying for grant of

anticipatory bail to the petitioner in case bearing FIR No.154 dated 04.05.2022 registered under Sections 307, 506 read with Section 34 of the IPC and Section 25 and 27 of the Arms Act, 1959 at Police Station Division B, Police Commissionerate, Amritsar.

Learned counsel for the petitioner inter alia submits that as per the FIR the petitioner had in fact questioned the intent of the complainant Sukhwinder Singh about collecting money which enraged him. He submits that the attribution against the petitioner is only that he had a scuffle and gave beating to the complainant. A gun fire shot, as per the allegations in the FIR is attributed to Dalbir Singh and not to the petitioner and that even the injuries so sustained in the said gun fire shot are on the left leg and are simple in nature. He thus contends that the injury attracting Section 307 of the IPC is not attributed to the petitioner and at best it would be only a case of causing simple hurt. He further submits that the petitioner does not suffer from any criminal antecedents and that he is ready and willing to join the investigation as and when required to do so by the Investigating Agency. It is also pointed out that similar concession has already been extended to the co-accused Hardeep Singh in CRM-M-24629-2022.

Notice of motion.

Ms. Amarjit Kaur Khurana, DAG, Punjab appears and accepts notice on behalf of the respondent/State.

In the meantime, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

List on 16.08.2022, for further consideration.

To be heard with CRM-M- 24629-2022. ”

Today, learned State counsel, on instructions from ASI Harbinder Singh, has stated that pursuant to the order dated 14.07.2022, the petitioner has joined investigation and is no longer required for custodial interrogation.

The prayer made by the petitioner is emphatically opposed by Mr. P.B.S.Goraya, Advocate for the complainant. However he is not in a position to dispute the fact that the gun fire shot has been attributed to the co-accused Dalbir Singh and not to the petitioner.

In view of above, the interim order dated 14.07.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

This petition stands disposed off.

(PANKAJ JAIN)
JUDGE

16.08.2022

Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No