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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33721-2022
Date of Decision: 02.08.2022

Manjit Singh @ Sunny

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Navinder Jit Singh Dandiwal, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 150 dated 05.07.2022, under Sections 307, 336, 148, 149 IPC and Section 25/27/54/59 of Arms Act, registered at Police Station City Moga, District Moga.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he was not even present on the spot when the alleged incident took place. He further submitted that no injury has been caused to anybody and therefore, he may be considered for the grant of anticipatory bail.

On the other hand, Mr. Davinder Bir Singh, learned Deputy

Advocate General, Punjab has stated that he has received an advance copy of

the present petition and he has also sought instructions from the concerned police official who is also present in the Court today. He further submitted that it is a case where a group of persons started firing at each other at parking place of improvement trust which was due to some litigation. Although no injury was caused to anybody but fire exchange took place in a public place and as per the FIR itself, the petitioner and the other co-accused namely Jassa Grewal were armed with pistol/revolver and they started firing at each other with intention to kill and due to this firing the general public was in danger. He further submitted that the petitioner is a habitual offender and he is involved in four other cases but the petitioner has not disclosed the pendency of the other cases except for one case. He further submitted that it is fit case where custodial interrogation of the petitioner is required since there was use of fire arm and considering his antecedents, the petitioner is not entitled for the grant of anticipatory bail.

I have heard the learned counsel for the parties.

A perusal of the FIR itself would show that a fight took place between number of persons comprising of two different parties and as per the allegations, the petitioner was armed with pistol/revolver and fire exchange took place in a public place wherein the general public was kept in danger. The learned Deputy Advocate General, Punjab has highlighted the antecedents of the petitioner whereby he is involved in four more cases of similar nature. The argument raised by the learned State counsel that in such like cases it is a fit case for custodial interrogation carries weight and cannot be ignored. After considering the totality and circumstances of the present case, this Court is of the view that it is not a fit case for grant of anticipatory bail since custodial interrogation of the petitioner is required

for the purpose of qualitative interrogation and for the purpose of elicitation of truth and recovery of weapons.

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

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

02.08.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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