

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

**CRM-M-34932 of 2022(O&M)
Date of Decision: 25.08.2022**

Harvinder Singh @ Kaka @ Harinder Jit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. S.P.S. Sidhu, Advocate
 For the petitioner.**

Mr. Jaspal Singh Guru, AAG Punjab.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case having FIR No. 111 dated 19.06.2022, registered under Sections 307 read with Section 34 IPC and Sections 25 and 27 of Arms Act at Police Station Sadar Sri Muktsar Sahib.

The counsel for the petitioner submits that the present case involves version as well as cross-version. As per version case relating to the present FIR the present petitioner fired shot with his gun, which hit Iqbal Singh. The counsel for the petitioner further submits that as per cross-version, aforesaid Iqbal Singh fired shot which hit Karamjeet Singh, father of the petitioner. The counsel for the petitioner further submits that co-accused Karamjeet Singh has already been granted interim bail by this Court vide order dated 01.08.2022 (Annexure P-6). The counsel for the petitioner further submits that it is yet to be ascertained as to who was the aggressor party. The counsel for the petitioner further submits that the petitioner who

is having no criminal history is ready to join the investigation with the police.

The present petition is resisted by the State counsel who submits that there are specific allegations against the petitioner that he fired gun shot which hit Iqbal Singh. The State counsel further submits that custodial interrogation of the petitioner is required for the proper investigation of this case.

I have considered submissions made by counsel for the parties.

Undoubtedly, as per version case petitioner caused fire arm injury to Iqbal Singh whereas, as per cross-version Iqbal Singh caused fire arm injury to Karamjeet Singh, father of the petitioner. Admittedly, no injury has been sustained by the petitioner at the time of occurrence, so his case is distinguishable and as such the petitioner cannot claim parity on the basis of order of interim bail, Annexure P-6 passed in favour of his father Karamjeet Singh, who sustained fire arm injury at the time of occurrence. The fire arm used by the petitioner is yet to be recovered by the police. This Court is of the view that for proper and effective investigation of the case, the custodial interrogation of the petitioner is necessary.

In the light of the above, the present petition is hereby dismissed being devoid of merits. However, observations made hereinabove are not to be construed as an expression of opinion on the merits.

25.08.2022
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No