

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-38735-2022
Date of decision : 30.08.2022

Lovejeet Singh @ Bhola

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Tarun Sharma, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

Mr.Nakul Sharma, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR no.0043 dated 09.07.2022 registered under Sections 307, 148, 149 IPC and Section 25 of the Arms Act, 1959 at Police Station Talwandi Bhai, District Ferozepur.

Learned counsel for the petitioner has submitted that in the present case, no injury has been caused to any person and it is highly improbable that despite the petitioner having fired 4 shots from his pistol, yet no person was injured.

Learned State counsel as well as learned counsel for the complainant have opposed the present anticipatory bail and have submitted that the present petitioner was armed with a pistol and had fired 4 shots out

party was seated and other 2 shots had hit below the windshield / front glass of the car and when he tried to fire the 5th shot, his pistol got jammed and thus, the complainant party was able to escape from the spot and have submitted that the motive behind the occurrence was that there was an earlier altercation between the petitioner and other accused persons, and Munish Behl, one of persons of the complainant party. It is further submitted that the pistol, which had been used in the occurrence, is yet to be recovered from the present petitioner and the car in which the complainant party was travelling (that belonged to Munish Behl) has been damaged by the 4 gun shots fired by the present petitioner, which prima facie shows that the allegations levelled in the FIR are correct. It is also submitted that the case of the present petitioner is on a different footing from that of co-accused Sukhdeep Singh @ Sukhmanjeet Singh, in whose case for grant of anticipatory bail, notice of motion has been issued, inasmuch as, the said Sukhdeep Singh was also armed with a pistol but there was no allegation in the FIR that he had fired from the same, whereas the present petitioner has been attributed 4 fire shots.

This Court has heard learned counsel for the parties and has perused the paper book.

The FIR has been registered on the statement of Lovedeep Kumar, resident of Zira, who had stated that on 08.07.2022 he along with his relative Rohit and Manish Behl had gone to Fun Cineplex, Talwandi Bhai to watch a movie in the car of Manish Behl bearing registration no.PB-47-F-2178 and after watching the film, they were returning in the said car from Fun Cineplex and when they reached near Warehouse Godown at Karmiti Road, Talwandi Bhai, then one i20 car bearing registration no.PB-

pistol, along with co-accused Sukhdeep Singh and Nasib Singh, was standing near the said car and one unknown person was sitting on the driver's seat and the present petitioner started firing from his pistol towards the car in which the complainant party was sitting and the present petitioner fired 4 shots, out of which 2 shots hit the bonnet of the car and other 2 shots hit below the Windshield / front glass of the car and then, when the petitioner tried to fire the 5th shot, his pistol got jammed and on account of the same, the complainant party was able to run away from there. In the FIR, it was further alleged that the motive behind the occurrence is that earlier the petitioner and others accused persons had an altercation with Munish Behl and due to the said grudge, the petitioner and other accused persons had attacked the complainant party with an intention to kill them and the petitioner had thus fired with the said intention. A perusal of the FIR would show that the petitioner is the main accused and he is the person who had fired 4 shots from his pistol and all the shots had hit the car in which the complainant party was sitting and it is the stand of the State and the complainant that the said car bears the marks of those pistol shots, which prima facie proves that the said incident had taken place. The said aspect has not been rebutted by learned counsel for the petitioner. The recovery of the pistol is yet to be effected from the present petitioner. The case of the petitioner is not on a similar footing as that of co-accused Sukhdeep Singh as there is no allegation against Sukhdeep Singh that he had fired from his pistol, whereas, there are specific allegations against the present petitioner that he had fired 4 shots from his pistol.

Keeping in view the above said facts and circumstances, this

Court is of the opinion that the petitioner is not entitled to grant of the

concession of anticipatory bail and accordingly, the present petition for anticipatory bail is dismissed.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

August 30, 2022
Davinder Kumar

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