

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

**CRM-M-40469-2022 (O&M)
DECIDED ON: 6th SEPTEMBER, 2022**

JATINDERPAL SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Tanvir S. Grewal, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

Mr. Mansur Ali, Advocate
for the complainant.

SANDEEP MOUDGIL, J (ORAL)

CRM-32918-2022

Application under Rule 3-A(1) Chapter VI, Part-B, Volume V
of High Court Rules and Orders for grant of leave to file the present
application has been filed.

In view of the averments mentioned in the application, the same
is allowed. Leave is granted to file the present application.

CRM stands disposed of.

CRM-M-40469-2022

The instant petition has been filed seeking anticipatory bail in
FIR No.120, dated 15.08.2022 (Annexure P-1), under Section 307 IPC and

Section 27 of Arms Act, 1959, registered at Police Station Dugri, District Ludhiana.

Briefly stated the facts are that the present FIR was registered on the statement of Harsimran Singh-complainant alleging that he along-with his friend Bikramjeet Singh @ Vicky went to Urban Estate, Dugri market. In the market, in front of his uncle's (fuffad) house, Jatinderpal Singh-petitioner was already present there in his car PB-91-L-4000. He confronted the complainant and tried to influence him to say before Kharar police that the agreement in question in which he is a witness and inquiry is going on, does not bears his signatures. He refused to do so. Due to which there was altercation between them, which lead to a physical fight. Suddenly, Jatinderpal Singh took out his licenced weapon and fired upon his friend Bikramjit Singh @ Vicky, which hit on his abdomen as a result of which he fell down. When the complainant tried to run, Jatinderpal Singh fired another shot towards him, which hit him on the left thigh. He fired more shots also. On seeing people having gathered there, Jatinderpal Singh fled from the spot.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case just to put pressure on him as well as his family to compromise in the case i.e. FIR No. 236, dated 23.06.2021, under Sections 465, 467, 468, 471, 474 and 120-B IPC which was registered on the complaint of the petitioner against the complainant party at Police Station City Kharar, SAS Nagar. He further contends that a bare perusal of CCTV footage would clearly reveal that actually it was the

complainant party who attacked upon the petitioner and caused serious injuries to him. The petitioner used his licenced weapon to save himself and not to kill the assailants.

He submits that the instant FIR has been registered, completely ignoring the fact that the petitioner is, in fact, a real victim. He further submits that a cross case has also been registered against the complainant party vide General Diary No. 18, dated 16.08.2022 at Police Station Dugri, Ludhiana, keeping in view the overwhelming evidence against the complainant party. Therefore , the petitioner deserves the concession of bail.

Learned State counsel submits that as per the FIR, allegation against the petitioner is very specific in nature because he had fired two shots from his licensed weapon, which shows that he had gone to the market duly armed with premeditated mind. He further submits that custodial interrogation of the petitioner is required to take the investigation to its logical end.

Learned counsel for the complainant has opposed the prayer made in the present petition asserting that CCTV footage has been interpreted by the petitioner in his own manner. The petitioner fired two shots from his licensed weapon; one of which hit in the abdomen of Bikramjeet Singh @ Vicky and another on the left thigh of complainant-Harsimran Singh, with an intention to kill them.

Heard learned counsel for the parties.

It is evident that petitioner was specifically named in the present FIR and the complainant and his friend suffered fire shot injuries at

the hands of petitioner from his licensed pistol. Moreover, the argument raised by learned counsel for the petitioner with regard to self defence can not be adjudicated at this stage as it can be seen at the time of trial only. It is a matter of thorough probe whether the petitioner fired from his own licensed weapon.

In view of the nature of allegations, this Court is of the considered view that petitioner is not entitled to concession of pre-arrest bail. Therefore, to unravel the modus operandi, custodial interrogation of the petitioner is certainly required.

Accordingly, the present petition stands dismissed.

6th SEPTEMBER, 2022
sham

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>