

S.No.103+209

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

CRM-M-48883 of 2021 (O&M)

Date of Decision:13.01.2022

Gurpreet Singh @ Love

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Kulbhushan Raheja, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Dr. D.P.S. Randhawa, Advocate for
the complainant.

(Through Video Conferencing)

VIKAS BAHL, J.

CRM No.1183 of 2022

Application is allowed. Affidavit is taken on record as
Annexure P-8.

CRM-M-48883-2021

This is first petition filed under Section 438 Cr.P.C for
releasing the petitioner on anticipatory bail in case bearing FIR no.134
dated 06.10.2021 registered under Sections 307, 323, 450, 427, 148, 149
IPC and 25/27 of Arms Act, 1959 at Police Station Kulgari, District
Ferozepur.

On 23.11.2021, this Court was pleased to pass the following
order:-

“Learned counsel for the petitioner inter alia contends

that the present case is a case of version and cross-version and

the petitioner has not been attributed any specific injury and the gun shot injuries have been attributed to the co-accused Rajesh Kumar and has further submitted that in fact, the petitioner himself suffered three injuries out of which one injury was gun shot injury and even DDR under Section 307 and other Sections has been recorded against the complainant party.

Notice of motion.

On asking of the Court, Mr. C.L. Pawar, Sr. DAG, Punjab, appears and accepts notice on behalf of State of Punjab and Mr. D.P.S. Randhawa, Advocate accepts notice on behalf of the complainant and seek time to get instructions.

Adjourned to 09.12.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has already joined the investigation.

Learned counsel for the complainant and the State Counsel, on instructions from ASI Kulwant Singh, have submitted that although the petitioner has joined the investigation but the recovery of pistol is yet to

be made from him.

Learned counsel for the petitioner in rebuttal has submitted that the petitioner had given an affidavit before the police authorities to the effect that he does not have any licensed pistol or any other pistol. It is further submitted that the petitioner is a young boy and he is not involved in any other case. It is also argued that the specific injuries caused to the two injured, namely, Harish and Balwinder, have been attributed to Rajesh and Vinod, whose anticipatory bail applications were also listed today and both of which have been withdrawn. Moreover, the petitioner has himself received three injuries. It is also submitted that in the FIR apparently, an exaggerated version has been detailed as it is not possible to believe that four persons were carrying pistols and there were only two injured persons to whom, two co-accused have caused injuries and the other two persons would not have used the same, inspite of the case being one of version and cross-version.

Keeping in view the facts as noticed in the order dated 23.11.2021 and also the fact that the injuries which have been caused to Harish and Balwinder were inflicted by Rajesh and Vinod, who have already withdrawn their anticipatory bail applications and the fact that the petitioner has joined the investigation and is not involved in any other case and he himself has received three injuries, and as such, is not further required for investigation, the present petition is allowed and the interim order dated 23.11.2021 is made absolute.

However, nothing stated above shall be construed as a final 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.

January 13, 2022

renu

(VIKAS BAHL)

JUDGE

Whether Speaking/reasoned

Whether Reportable

Yes/No

Yes/No