

231-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54737-2021 (O&M)
Date of Decision: 25.01.2022

Heera Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Maninder Singh Bajwa, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.137 dated 22.08.2021, registered under Sections 307, 427, 148 and 149 IPC, 1860 and Sections 25 and 27 Arms Act, 1959 at Police Station Sadar Tarn Taran. The petitioner apprehends his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 31.12.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner submits that concession of anticipatory bail has been wrongly denied to him by the learned Additional Sessions Judge, Tarn Taran, while observing that the petitioner is the one who was armed with the pistol and had directly fired upon the complainant and her husband and that one of the gun shot had injured the complainant on her left ankle. Learned counsel for the petitioner submits that apart from the fact that there is no such allegations in the FIR, it is recorded in order dated 29.09.2021 passed in CRM-M40650 of 2021 preferred by co-accused namely Raj Kaur that sole injury suffered by the victim on his

ankle was caused by gunshot fired by Amritpal Singh. Moreover, pistol in question, it is contended has been recovered from one Kuldeep Singh.

Notice of motion.

Mr. Ramandeep Sandhu, Sr. DAG., Punjab, accepts notice on behalf of the State and on instructions from ASI Satpal, submits that one pistol has indeed been recovered from Kuldeep Singh, though it is not being verified by ASI Satpal as to whether this is the weapon used in the alleged incident.

At request of learned counsel for the respondent-State, adjourned to 25.01.2022.

To be taken up along with CRM-M-40650 of 2021.

In the meanwhile, petitioner shall appear before the Investigating Officer and shall fully cooperate in the investigation of this case. In the event of his arrest, petitioner shall be released on interim bail to the satisfaction of Investigating Officer. Petitioner shall comply with the conditions as stipulated in Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further states that in

deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, on instructions from ASI Satpal, has stated that the weapon used in the crime has already been recovered from co-accused Kuldeep Singh @ Raja and the alleged gunshot was fired by co-accused Heera Singh. According to him, on 31.12.2021, it was inadvertently stated that the gunshot was fired by co-accused Amritpal Singh. Learned State counsel further states that the investigation of the case is also complete and the final report has been filed.

At this stage, learned counsel for the petitioner has argued that the State itself has taken conflicting stand regarding the role of the accused and since the alleged injury is on non-vital part i.e. ankle, it would be

debatable, if, actually the offence punishable under Section 307 IPC is made

out. According to him, as the investigation of the case is nearly complete, the custodial interrogation of the petitioner may not be necessary.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 31.12.2021 is made absolute.

25.01.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No