

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-54755-2021 (O & M)

Date of decision:18.08.2022

Gaganjot Singh

..... Petitioner

V/s

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Hemant Bassi, Advocate, for the petitioner.

Mr. Deepak Sabharwal, Addl.A.G., Haryana.

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**JASJIT SINGH BEDI, J. (Oral)**

The petitioner seeks the grant of anticipatory bail under Section 438 Cr.P.C. in a case bearing FIR No.422 dated 16.11.2021 under Sections 307, 323, 34, 341,452, 506 IPC and Section 27 of the Arms Act registered with Police Station Pehowa, Distt. Kurukshetra.

On 03.01.2022, the following order was passed in this case:-

*“Prayer in the instant petition is for grant of anticipatory bail to the petitioner in case FIR No.422 dated 16.11.2021 registered at Police Station (Sadar) Pehowa for offences under Sections 307, 323, 34, 341, 452 and 506 of the IPC and Section 27 of the Arms Act.*

*Learned counsel inter alia contends that he is an elected Sarpanch of Gram Panchayat Gumthala Garhu. It is contended that the son of the complainant had contested elections to the post of Sarpanch against the petitioner and had lost. On the fateful day, the petitioner had gone to the spot on the complaint of one Raj Guraya pertaining to an unauthorized construction being erected by the complainant. It is submitted that the father of the complainant exhorted his son Tarandeep Singh to eliminate the petitioner whereupon Tarandeep Singh fired five shots from his pistol/revolver from the roof of his house with an intent to kill the petitioner. It is contended that the petitioner approached the*

*concerned Police post for initiating action, however, a cross-version was given prominence by the Police authorities. Resultantly, the instant FIR has been registered against the petitioner on the pretext that four shots had been fired at the behest of the petitioner. The said air-pistol is stated to have been snatched by Tarandeep Singh from the petitioner himself. It is contended that nothing is to be recovered from the petitioner and the air-pistol is in the possession of investigating agency. A further argument is raised that even though the petitioner had reached the police post prior in time, however, the case against the petitioner was registered earlier and offence under Section 307 IPC was added although the allegations levelled by the petitioner in his version were similar. Further, injuries have been sustained on account of use of fire-arm and only simple injuries have been caused in the incident.*

*Notice of motion.*

*Mr. Vivek Saini, learned Additional AG Haryana accepts notice on behalf of respondent-State.*

*Learned State counsel contends that the petitioner had gone to the place of occurrence and had initiated the incident. Gunfire shots had been fired by the petitioner with a view to cause injury/kill the complainant and/or members of his family. It is further submitted that even though no injury in the said incident on account of use of firearm has been caused, however, the petitioner has dubious antecedents and an another FIR No.425 dated 21.11.2021 stands registered against the petitioner.*

*List on 29.03.2022 along with CRM-M-52772-2021.*

*In the meantime, petitioner is directed to appear before the investigating agency and join investigation as and when so called upon by the Investigating Officer. Upon appearance of the petitioner before the Investigating Officer, he shall be admitted to interim bail on furnishing of bail bonds by him to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Code of Criminal Procedure, 1973”.*

Pursuant to the said order, the petitioner has joined the investigation.

The learned counsel for the petitioner submits that it is a case of no injury with the fire-arm on any person and once the petitioner has joined the investigation, his custodial interrogation is not required.

The learned counsel for the State, on the other hand, contends that it is a very serious offence for which, the petitioner does not deserve the concession of anticipatory bail.

I have heard the learned counsel for both the parties.

Admittedly, the petitioner has joined the investigation in terms of the order dated 03.01.2022. There is no gun-shot injury, which has been attributed to either the petitioner or his co-accused.

In view of the above, interim order dated 03.01.2022 is made absolute.

However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

( JASJIT SINGH BEDI)  
JUDGE

August 18, 2022  
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No