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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-56235-2022
Date of Decision: 05.12.2022

Nobalpreet Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. B.S. Jaswal, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.162 dated 15.07.2022, under Sections 307,427, 34 IPC and Section 25/27 of Arms Act, registered at Police Station City Tarn Taran, District Tarn Taran.

The present FIR came to be lodged on the basis of statement made by Bhagwant Singh son of Balwinder Singh by stating that he alongwith his friend namely Robandeep Singh had gone to attend classes at a centre on 15.07.2022. In the afternoon son of Robandeep Singh's aunt namely Jugraj Singh also came to meet him. He took the car of one friend namely Bikranjit Singh who studied at near one centre and he, his friend Robandeep Singh and his aunt's son Jugraj Singh sat in the car and were talking inside the car and the car was outside Cafe 77 at that time. At

about 3.00 p.m. one splendor bike came and two young persons were riding whom I know and the driver of the bike was petitioner Nobalpreet Singh and the pillion rider was one Kirat Singh who came from Tarn Taran Bus Stand side and parked their bike parallel to their car and they started shooting at their car with armed pistols with an intention to kill them. One bullet had hit on the driver side door of the car and the other bullet hit on the driver side window glass of car and due to the bullet glass was broken and one of the bullets shot by Kirat Singh hit above the knee of his left leg and second bullet had hit below the knee of left leg and shot was also made by petitioner Nobalpreet Singh which hit the thigh of right leg and back side and thereafter they shouted 'Maar ditta-Maar ditta' and the petitioner and the other co-accused fled away. It has been stated in the FIR itself that the reason of grudge was that the complainant had a normal fight with the petitioner Nobalpreet Singh about 20 days ago but there was an oral compromise with the friends but now they tried to kill the complainant by using firearms

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case because the FIR was motivated FIR since in the FIR it has been reflected that there was a fight between the complainant and the petitioner about 20 days ago and rather the petitioner was thereafter admitted in the hospital regarding which the receipts have been attached as Annexure P-2 and even a compromise was effected and the present injuries, if any, on the complainant may be because of some other incident or may be even self-inflicted injuries and therefore, the petitioner may be considered for the grant of anticipatory bail.

On the other hand, Mr Amit Rana, learned Senior Deputy Advocate General, Punjab has stated that he has received an advance copy of the present petition and he has also sought instructions from the concerned police official and submitted that it is a case where the petitioner alongwith other co-accused have inflicted firearm injuries from 0.32 bore which is a countrymade and illegal pistol and during the investigation four empty cartridges were found on the spot. He submitted that the complainant suffered firearm injuries on the leg and therefore, has opposed the grant of anticipatory bail to the petitioner. He submitted that there are four more cases against the other co-accused namely Kirat Singh pertaining to Sections 302, 307 IPC and Arms Act and considering the gravity and seriousness of the offence and for elicitation of truth, custodial interrogation of the petitioner is required. He referred to judgment of Supreme Court in ***State Represented by CBI Versus Anil Sharma [1997(7) SCC 187]***. He has therefore vehemently opposed the grant of anticipatory bail to the petitioner.

I have heard the learned counsel for the parties.

It is a case where the allegations in the FIR pertain to causing injuries by way of firearm by the petitioner and the other co-accused which hit on the legs of the complainant. As per the prosecution, the petitioner had hit on the right leg thigh of Jugraj Singh and the injuries were caused by firearm which were illegal and countrymade pistols. The other co-accused namely Kirat Singh is also facing four more cases under serious offences. The argument raised by the learned State counsel on the basis of the gravity and seriousness of the offence cannot be ignored and does carry weight. The argument which has been raised by the learned counsel for the petitioner that

the injuries could be due to some other incident with some other person or being self inflicted cannot itself become a ground for bail to the petitioner since specific and direct allegations have been levelled upon the petitioner in the FIR itself by even giving the reason as to why the injuries were inflicted.

Therefore, without observing anything on the merits of the case and only for the purpose of considering the petition for grant of anticipatory bail, considering the gravity and seriousness of the offence, this Court does not deem it fit and proper to grant anticipatory bail to the petitioner.

Consequently, the present petition is dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

05.12.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No