

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(104)

CRM-M-8152-2023
DATE OF DECISION:-22.02.2023

Amarjit Singh

...Petitioner

VS.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJAPresent: Mr. Narinder S. Lucky, Advocate,
for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 438 Cr.P.C., petitioner has prayed for grant of anticipatory bail in case FIR No.19 dated 27.01.2023, under Sections 307, 148, 149, 506 and 109 of IPC 1860 and Section 25 and 27 of the Arms Act, registered at Police Station Cantonment, District Police Commissionerate, Amritsar.

Learned counsel for the petitioner submits that there is no direct allegation levelled against the petitioner in the entire FIR besides, he being the father of main accused namely Rajpinder Singh who allegedly fired shots on injured. Learned counsel further submits that petitioner has been implicated in the present FIR because he is posted as ASI, Police Station, Cantonment, Amritsar and also to put pressure upon him as a counter blast to FIR No.0067 dated 13.03.2022 recorded under Section 307 IPC at Police Station Cantonment, Amritsar and that too without attributing any specific role, thus, he deserves concession of anticipatory bail.

On the other hand, prayer made herein has been vehemently

opposed at the instance of State through Mr. Tarun Aggarwal, Sr. DAG, Punjab assisted by Mr. S.S. Majithia, counsel for the complainant, while submitting that in fact the offence has been committed with the revolver licenced in the name of petitioner and considering his antecedents and the nature of allegations, his custodial interrogation is required.

Learned counsel for the complainant further submits that all sincere and genuine efforts were made to persuade the petitioner to make his son understand the realities of the situation wherein, he was unnecessarily harassing the victim Anmoldeep Kaur, however, all in vain.

I have heard learned counsel for the parties and gone through the paper book with the able assistance of respective counsels.

Considering the facts and circumstances of the present case, I am unable to accept the contention raised on behalf of petitioner in the present case. As per information provided by the learned State counsel, the alleged offence has been committed by Rajpinder Singh with the revolver licenced in the name of petitioner which to my mind makes the custodial interrogation of the petitioner necessary. The past antecedents of the petitioner have also been brought to my notice through one another FIR No.0029 dated 22.02.2022, registered at P.S. Cantonment, Amritsar, wherein the petitioner and his son Rajpinder Singh have been arrayed as accuseds for allegedly having given beatings to a teacher for having asked for remuneration from them.

Apart from that, the nature of injuries inflicted upon the person of victim namely Anmoldeep Kaur show that she has been confined to bed and this can easily be made out from the observations made by the concerned doctor, as per the certificate handed over in Court at the instance of learned counsel for the complainant with a copy of the same supplied to the learned

counsel for the petitioner. The following observations are made by the concerned doctor :

Date of certificate	Observation
08.02.2023	Patient Ms. Anmoldeep Kaur age 22 years D/o Naunihal Singh was admitted in our hospital on 27.01.2023 with diagnosis of gunshot cervical spine with quadriparesis. Patient is bed ridden + unable to move her upper limb and lower limb of her own. Patient is being managed conservatively and is still under treatment in our hospital.
21.02.2023	Patient Ms. Anmoldeep Kaur age 22 years D/o Mr. Naunihal Singh was admitted in our hospital on 27.01.2023 with the alleged history of gunshot on 27.01.2023 around 5:00 p.m leading to injury over head, neck and chest, Patient was diagnosed as gunshot injury with right hemothorax with chest injury with cervical spine injury with quadriparesis. Chest tube inserted on right side for hemothorax. Patient was discharged on 13.02.2023.

In view of the above and considering the serious nature of allegations besides the injuries inflicted upon the victim, custodial interrogation of the petitioner would be required as otherwise it would hamper the free and fair investigation.

The present petition is dismissed, accordingly.

22.02.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No