

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

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2023:PHHC:096277

CRM-M-19060-2023

Date of decision: July 27th, 2023

Harvinder Singh @ Harwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gaurav Kalsi, Advocate
for Mr. H.S. Batth, Advocate
for the petitioner.

Mr. Subhash Godara, Additional Advocate General,
Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.23 dated 25.02.2023 under Section 307, 120-B of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Jhabal, District Tarn Taran.

2. Vide order dated 19.04.2023, this Court had directed the petitioner to join investigation in view of the fact that it had been contended that no specific and categoric role had been attributed to the petitioner in the occurrence in question.

3. Learned State counsel, on instructions, has not disputed that the petitioner had joined investigation in compliance of order dated 19.04.2023 passed by this Court, however, he has vehemently disputed the submissions made qua the petitioner not having been attributed any

role in the crime in question. Learned State counsel, on instructions, has submitted that the FIR in question came to be lodged on an application moved by Balbir Singh @ Balla, wherein he stated that some unknown vehicle while going from main road to Punwarah, in which some persons were sitting, had fired with firearms as a result of which Surjit Singh had sustained bullet injuries on his waist. Learned State counsel submits that however during investigation it came to the fore that said Balbir Singh himself was one of the accused and had intentionally come up with a false version while lodging the FIR against unknown persons. However, during investigation when the statement of injured Surjit Singh was recorded by the police, he categorically alleged that he had been shot at and received injuries at the hands of the petitioner himself. Learned State counsel has, therefore, vehemently opposed the prayer made for extending the extraordinary concession of anticipatory bail to the petitioner. It has been submitted that the recovery of weapon of offence also has not yet been effected during investigation.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner as the injury which was declared dangerous to life stands attributed to the petitioner.

6. The petition, therefore, stands dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 27th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No