

**202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-22733 of 2023

Date of decision : 07.07.2023

Aatamjeet Singh @ Atmajeet Singh @ Lali ...Petitioner

Vs.

State of Punjab ...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.K. Khunger, Advocate for
Mr. Rhythem Bajaj, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.91 dated 17.07.2022 registered under Sections 307 and 506 Indian Penal Code, 1860 and Section 27 Arms Act, 1959 at Police Station Khuian Sarwar, District Fazilka, who apprehends his arrest at the hands of Police.

Status report by way of affidavit of Sukhwinder Singh Brar, PPS, Deputy Superintendent of Police, Sub-Division Abohar, District Fazilka has been filed on behalf of respondent No.1-State of Punjab.

The above FIR was registered on the basis of the statement of complainant, namely, Darshan Singh, who alleged that the accused fired a shot at him from his pistol with the intention to kill him. According to the complainant, on 16.07.2022 because of heavy rains, the water of the village pond had overflowed and entered the fields of Sukhwinder Singh,

who was making arrangement to stop the water, but accused Aatamjeet Singh @ Lali asked him not to do so. Aatamjeet Singh fired a shot towards Sukhwinder Singh and in the meantime, the complainant who was witnessing all this came there to intervene, whereupon, the accused gave another shot towards the complainant and caused an injury on his right leg.

Learned counsel for the petitioner has argued that the petitioner in fact was having altercation with Sukhwinder Singh and when the petitioner took out his licensed pistol, complainant, namely, Darshan Singh intervened in the said scuffle and accidentally gunshot was fired, which resulted in an injury to the complainant. He submits that this all happened suddenly and now the parties have settled the dispute and a separate petition seeking compromise quashing bearing No. CRM-M-48286-2022 is also pending. He submits that the petitioner be released on pre-arrest bail as he is willing to join the investigation.

Learned State counsel while opposing the prayer has argued that the petitioner was armed with dangerous weapon and caused gunshot injury to the complainant and as the offence is serious, the compromise between the parties is not relevant. He prays for dismissal of this petition.

After hearing the learned counsel for the parties and considering the seriousness and gravity of the offence, this Court does not find it to be fit case for extending the extra ordinary concession the pre-arrest bail to the petitioner. Learned counsel for the petitioner has not disputed this occurrence, but has attempted to build a case that this all

happened suddenly and the petitioner was not aiming any gunshot at the complainant, however, this all is matter of investigation or evidence and would be seen by the trial Court and the same is not acceptable at this stage for considering his pre-arrest bail. The weapon of the offence is yet to be recovered, therefore, the custodial interrogation of the petitioner may be required. Further, the stand of petitioner that he has entered into the compromise with the complainant, is also meaningless keeping in view the manner of occurrence and the nature of the offence.

Resultantly, without meaning any expression or opinion on the merits of this case, no case is made out for grant of extra ordinary relief of pre-arrest bail to the petitioner.

Dismissed.

07.07.2023

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Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE

No
No