

[208] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32000-2022

Date of Decision :28.02.2023

JAIDEEP SINGH

...Petitioner

versus

STATE OF PUNJAB

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. Paramjit Singh Batta, Addl. A.G., Punjab.

B.S. Walia, J. (Oral)

[1] Prayer in the second petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.50 dated 25.03.2021 registered under Sections 336, 506, 427, 148 and 149 IPC and Sections 25 and 27 of the Arms Act at Police Station City Tarn Taran, District Tarn Taran, Punjab (offence under Section 307 IPC stands deleted vide G.D. No.36 dated 16.11.2021 and instead Section 336 IPC has been added).

[2] Learned counsel contends that after withdrawal of CRM-M No.24257 of 2021 with permission to file a fresh petition at an appropriate stage and offence under Section 307 IPC having been deleted, the present second petition was filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in respect of the offences under Sections 336, 506, 427, 148 and 149 IPC read with Sections 25 and 27 of the Arms Act.

[3] Learned counsel contends that apart from the fact that Section 307 IPC has been deleted, no injury is attributed to either the petitioner or

any other co-accused, therefore, the petitioner is entitled to be released on bail especially in view of the fact that the he is a young man aged 32 years and undertakes to comply with such conditions as are laid down by this Court for grant of pre-arrest bail.

[4] Per contra, the prayer for pre-arrest bail is vehemently opposed by learned Addl. A.G. by contending that the petitioner had gone to a mall along with his family members and on account of some dispute with regard to billing, the petitioner had entered into a scuffle with the staff of the mall in question whereafter he left the place of occurrence but returned thereafter with a number of people and forming part of an unlawful assembly, fired 3 shots which fortunately did not hit the complainant and staff at the showroom who had a providential escape by lying down flat on the floor but the shots broke the glass of windows of the showroom of the mall. Learned Addl. A.G. further contends that in view of the aforementioned act of lawlessness by the petitioner, besides his being a habitual offender, he does not deserve the indulgence of this Court. Learned Addl. A.G., has filed status report by way of affidavit of Sh. Jaspal Singh, PPS Deputy Superintendent of Police, Sub-Division Tarn Taran. The same is taken on record and copy thereof is stated to have already been supplied to learned counsel for the petitioner. Paragraph No.10 of the status report shows details of the cases registered against the petitioner. Relevant extract of the same is reproduced as under :-

Sr. No.	FIR No.	Under Sections	Police Station	Status
1.	FIR No.123 dated 17.04.2012	307/427/324/323/1 4/8/149 of IPC & 25 of the Arms Act	City Tarn Taran	Cancelled on 26.09.2012
2.	FIR No.217 dated 26.11.2016	307/379/34 of IPC & 25/27/54/59 of the Arms Act	City Tarn Taran	Cancelled on 07.01.2018
3.	FIR No.27 dated 01.02.2012	307/452/506/34 of IPC & 25/27/54/59 of the Arms Act.	City Tarn Taran	Proclaimed Offender

[5] I have considered the submissions of learned counsel.

[6] Admittedly, the petitioner after entering into a scuffle with the billing staff in the mall returned along with co-accused who forming an unlawful assembly with intention to kill the staff members of the mall fired three shots which resulted in the windowpanes of the mall being broken and the complainant and other staff members of the mall having a providential escape by lying down on the floor of the mall. Apart from the above, three other FIRs were registered against the petitioner and although two of them stand cancelled, as per details given above, yet in one of them i.e. FIR No.27 dated 01.02.2012, registered under Sections 307, 452, 506 and 34 IPC read with Sections 25/27/54/59 of the Arms Act at Police Station City Tarn Taran, the petitioner was declared as a proclaimed offender vide order dated 06.02.2016 by the Court of the learned Additional Sessions Judge, Tarn Taran and is evading arrest till date.

[7] In view of the serious allegations of brazen lawlessness exhibited by the petitioner in firing shots at the billing staff in the mall who saved themselves by lying down on the floor all because of a scuffle which the petitioner had with the billing staff in the mall when he had

gone there with his family as also in view of the fact that the petitioner

stands declared a proclaimed offender vide order dated 06.02.2016 by the Court of learned Additional Sessions Judge, Tarn Taran in case FIR No.27 dated 01.02.2012, registered under Sections 307, 452, 506 and 34 IPC read with Sections 25/27/54/59 of the Arms Act at Police Station City Tarn Taran and evading arrest till date, I am of the view that the petitioner is not entitled to grant of pre-arrest bail notwithstanding the deletion of offence under Section 307 IPC.

[8] Dismissed.

(B.S. Walia)
Judge

28.02.2023
'Amit'

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