

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33685-2023

Date of Decision: 17.08.2023

Jagseer Singh

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. G.S. Sidhu, Advocate, for the petitioner.

Mr.R.S. Khaira, DAG, Punjab.

Mr.S.S. Sidhu, Advocate, for the complainant.

DEEPAK GUPTA, J.

Status report by way of affidavit of Satvir Singh PPS, Deputy Superintendent of Police, Sub Division, Barnala, on behalf of the State/respondent is filed today in Court and the same is taken on record.

By way of this petition filed under Section 438 Cr.P.C., petitioner has prayed for grant of anticipatory bail in case FIR No.0086 dated 04.06.2023 registered at Police Station Dhanaula, District Barnala under Sections 323, 341, 506 & 411 read with Section 34 IPC and Section 25 of the Arms Act, 1959.

2. As per allegations, Smt. Jaswinder Kaur (complainant) and her sister-in-law Harpreet Kaur were waylaid by the petitioner and co-accused Gurwinder Singh on 03.06.2023 at about 01.00 pm. Gurwinder Singh threatened them by brandishing pistol to shoot her and her family, whereas petitioner hit iron rod on the right hand of the complainant. Both the assailants including the petitioner threw the complainant and her *nanand* on the ground and gave them kicks and punches.

3. It is contended by ld. Counsel that petitioner has been falsely implicated; that co-accused Gurwinder Singh has already been allowed regular bail; that petitioner is ready to join the investigation; that no arm was recovered from the petitioner and that it is from co-accused Gurwinder Singh the arms are alleged to have been recovered.

4. Strongly opposing the bail petition, ld. State counsel submits that petitioner is specifically named to be one of the assailants along with co-accused, who had caused injuries with an iron rod on the right hand of the complainant. Ld. State counsel further submits that one pistol of .32 bore, one toy pistol, 3 live cartridges of .32 bore and 3 live cartridges of .12 bore were recovered from co-accused Gurwinder Singh. Ld. State counsel also drawn attention towards status report dated 07.08.2023, as per which the pistol in question belonged to Baldev Singh and his wife. Co-accused Gurwinder Singh being the nephew of wife of Baldev Singh, residing with them, managed to take out the pistol which he used in the crime. Ld. State counsel submits that having regard to the role attributed to the petitioner, he does not deserve to be given the benefit of anticipatory bail and that his custodial interrogation may be required.

5. After hearing both the sides and having regard to the nature of allegations against the petitioner, but without commenting anything further on the merits of the case, this Court finds it to be not a fit case to grant anticipatory bail to the petitioner.

Dismissed.

(DEEPAK GUPTA)
JUDGE

17.08.2023

Vivek

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No