

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33864-2023 (O&M)

Date of Decision: 17.07.2023

Gagan @ Gaggi

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Harpreet Singh Jakhal, Advocate, for the petitioner.

DEEPAK GUPTA, J.

Prayer in this petition is for grant of anticipatory bail in case FIR No.15 dated 20.02.2023 registered at Police Station Arniwala, Fazilka, District Fazilka under Sections 307, 452, 323, 427, 148 & 149 IPC and 25 of Arms Act, 1959.

2. FIR was lodged on the statement of Gurcharan Singh as per which on 20.02.2023 at about 03:00 PM, when he was sitting in his house, Surinder Singh @ Sunny armed with pistol, Sukhjeet Singh @ Sukha armed with kappa, Gulzar Singh armed with dang, **Gagan @ Gaggi (petitioner herein)** armed with kappa and Gagan armed with Kappa along with various others armed with weapons reached there. Gulzar Singh raised lalkara and Surinder Singh @ Sunny with an intention to kill opened fire on him (complainant). All the assailants started damaging the gate of the house. The attribution to the petitioner is that he gave kappa blow on the back of the petitioner.

3. It is contended by learned counsel that no role is attributed to the petitioner to attract Section 307 IPC; that injury attributed to the

petitioner is on non-vital part; that petitioner is not aware about any dispute between the complainant and co-accused Surinder Singh @ Sunny or his family; and that he is ready to join investigation and so he be allowed anticipatory bail.

4. After hearing learned counsel, I do not find merit in this petition.

5. Petitioner is duly named in the FIR to be one of the assailants, who accompanied by the co-accused attacked the complainant. Petitioner was armed with weapon-kappa at that time and participated in the crime by giving kappa blow to the complainant. Allegations against the petitioner cannot be stated to be baseless or unfounded.

6. In view of the above, without commenting on the merits of the case, the present petition is hereby dismissed.

(DEEPAK GUPTA)
JUDGE

17.07.2023

Vivek

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |