

2023:PHHC:094628

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

103

CRM M-35748 of 2023

Date of Decision: July 26, 2023

Harpal Singh

...Petitioner

Vs.

State of Punjab

...Respondent

**CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT**

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

Mr. Mohit Chaudhary, AAG, Punjab.

**N.S.SHEKHAWAT, J. (Oral)**

1. The petitioner has filed the present petition under Sections 438 Cr.P.C. with a prayer to grant anticipatory bail in FIR No. 270 dated 08.11.2022 under Sections 307, 148, 149 IPC and Sections 25/27 of Arms Act, registered at Police Station Chheharta, Amritsar.

2. The FIR in the present case was registered on the basis of the statement made by Gurprit Singh @ Tehla son of Ajit Singh. As per the complainant, at about 11.00 p.m., on 07.11.2022, he had gone to the house of his friend Bhupinder Singh @ Bhinda to meet him. Dev friend of Bhupinder Singh @ Bhinda had also come there to meet him. Bhupinder Singh @ Bhinda and Dev were standing outside his house and were talking to each other. In the meantime, a car came from the side of the main road and four persons were riding on two

motorcycles. Harpal Singh son of Surjit Singh and three more persons alighted from the car. Harpal Singh was already known to the complainant. Immediately after reaching there, Harpal Singh started firing on them with pistol with an intention to kill the complainant. Harpal Singh fired shot from his pistol, as a result of which, one bullet had hit on the right elbow of the complainant and it existed towards the scapular region and got him injured. However, the other assailants started throwing bricks and stones before fleeing from the spot. The motive behind the occurrence was that there was enmity between the complainant and Harpal Singh and due to said enmity, injuries were caused to the complainant. With these broad allegations, the FIR in the present case was registered.

2. Learned counsel for the petitioner contends that the parties were inimical towards each other and the petitioner has been falsely involved in the present case and the injury could be self suffered. He further submits that even the complainant is having criminal background and possibility of false implication cannot be ruled out in the present case.

3. On advance notice, learned State counsel has appeared and submitted that the petitioner is the main accused who fired shot at the complainant with an intention to kill him and the said version is duly supported by the medical evidence, in this regard.

4. I have heard learned counsel for the parties and perused the record of the case file very carefully.

5. As per the FIR, the petitioner came at the spot and was carrying a pistol and after reaching there, he fired a shot, which hit on the right elbow of the complainant. Even the main injury is attributed to him and the recovery of the fire arm is yet to be effected from him. Thus, his custodial interrogation would be required at this stage. As a consequence, keeping in view the gravity of the offence and the submissions made by the learned counsel for the parties, the petitioner does not deserve the concession of anticipatory bail and the same is accordingly ordered to be dismissed.

July 26, 2023

( N.S.SHEKHAWAT)

amit rana

JUDGE

Whether reasoned/speaking

:

Yes/No

Whether reportable

:

Yes/No