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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36145-2023(O&M)

Date of Decision: 11.09.2023

Amar Kumar @ Bhuda

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gaurav Verma, Advocate, for
Mr. Ankur Jain, Advocate, for the petitioner.

Mr. Ramdeep Partap Singh, Senior DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.176 dated 22.12.2022, under Sections 387, 336, 506, 34 IPC and Sections 307, 353, 186, 379-B (2), 333, 201 IPC added later on and Section 25, 27, 54, 59 of Arms Act, registered at Police Station Majitha Road, Amritsar.

2. Learned counsel appearing on behalf of the petitioner has submitted that the petitioner is in custody from 23.12.2022. He submitted that the petitioner has been falsely implicated in the present case and even as per the FIR the complainant had stated that two unknown persons had come on a motorcycle and had fired shots in the air. He submitted that in view of the aforesaid position, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Ramdeep Partap Singh, Senior DAG,

Punjab has vehemently opposed the grant of bail to the petitioner by submitting that in the present case even charges have not been framed and the total custody is only 8 months. He further submitted that it is a case where the petitioner alongwith the other co-accused had gone to the house of the complainant and demanded Rs. 20 lacs from the complainant as an extortion money and thereafter shots were fired in the air and bullets were also recovered from the same place thereafter. He submitted that thereafter when the police was apprehending the petitioner after his name nominated, then the petitioner fired shots from his pistol and one bullet hit Constable Gurjit Singh on his left leg and thereafter on counter firing by the police, the present petitioner was also injured and he was apprehended and from his possession there was a recovery of country made pistol .32 bore and on unloading the pistol 4 live cartridges were also recovered and accordingly, offence under Sections 307, 353 and 186 were added in this case. He further submitted that the petitioner is involved in two more cases out of which one case pertains to Sections 307, 148, 149 and 201 IPC and Sections 25 and 27 of the Arms Act and one more case under the NDPS Act and the petitioner is a habitual offender and there is a strong apprehension that in case the petitioner is released on bail, then he may not only abscond from justice but he may even influence the witnesses.

4. I have heard the learned counsel for the parties.

5. The petitioner is stated to be in custody for 8 months and charges have not been framed till date. The petitioner is stated to be a habitual offender and as per the learned State counsel one of the cases in which the petitioner is under trial, the allegation in that case is also similar to the present case. As per the learned State counsel, the petitioner while he was being apprehended had

fired from his country made pistol on the police which injured the Constable and in a cross firing the petitioner was also injured thereafter and there was a recovery of one country made pistol and 4 live cartridges from the petitioner. This Court is of the view that considering the aforesaid gravity of the offence and the apprehension expressed by the learned State counsel that in case the petitioner is released on bail, then he may repeat the offence and may even abscond from justice or influence the witness, this Court does not deem it fit and proper to grant bail to the petitioner.

6. Consequently, the present petition is dismissed.
7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

11.09.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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