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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39889-2023 (O&M)
Date of decision: 16.08.2023

GURIQBAL SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Akbarjit Singh, 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 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.2 dated 13.01.2023, under Sections 188, 336 of the IPC and Sections 25 and 27 of the Arms Act, registered at Police Station Subhanpur, Kapurthala.

2. Learned counsel for the petitioner has submitted that it is a case where the petitioner has been falsely implicated as it was a case of no injury. He further submitted that the allegations against the petitioner were that he went to a marriage party and he fired in the air. He further submitted that the petitioner does not possess any licensed weapon, however, there is one licensed weapon in the name of his father. He further submitted that in view of the aforesaid position, the petitioner may be considered for grant of anticipatory bail.

3. On the other hand, Mr. Ramdeep Partap Singh, Senior DAG, Punjab, Punjab has submitted that he has got the advance copy of the present petition and he has also sought instructions from the concerned official, who is also present in Court today and on the basis of instructions, he has submitted that it is a case where the petitioner went to a marriage party and there he fired in the air and now there is a mark of bullet also on the roof of the place where he fired. He further submitted that the firing was done by a revolver, which was a licensed weapon belonging to his father and he had put to danger number of people who had assembled in the marriage party and for this purpose, the custodial interrogation of the petitioner is required. He further submitted that when he earlier filed an application before the learned Additional Sessions Judge, Kapurthala for grant of anticipatory bail, he was granted interim bail but thereafter, he did not cooperate with the investigation process and due to this reason, the anticipatory bail application was dismissed by the learned Additional Sessions Judge, Kapurthala.

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

5. It is a case where the petitioner allegedly had gone to a marriage party and fired shot in the air and he had put to danger number of people who had assembled in the marriage party. The petitioner was granted interim bail by the learned Additional Sessions Judge, Kapurthala on 25.05.2023, but he did not cooperate with the investigation process and that was the reason as to why the anticipatory bail application of the petitioner was dismissed by the learned Additional Sessions Judge, Kapurthala. The learned State counsel, on instructions, submitted that the revolver has still not been recovered.

6. After hearing learned counsel for the parties, this Court is of the view that in view of the aforesaid factual position and considering the gravity of the offence involved and the fact that earlier the petitioner was granted interim bail by the learned Additional Sessions Judge, Kapurthala but he did not cooperate with the investigation process and the anticipatory bail application of the petitioner was dismissed by the learned Additional Sessions Judge, Kapurthala, this Court does not deem it fit and proper to grant anticipatory bail to the petitioner.

7. Consequently, the present petition is hereby dismissed.

8. 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.

16.08.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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