

101 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 43391of 2023
Date of Decision: 15.09.2023

NAVEEN SAINI

... Petitioner

Versus

STATE OF PUNJAB AND ANOTHR

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr.Sumeet Pal Singh Khaira, Advocate
for the petitioner.

Ms. Swati Batra, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C the
petitioner is praying for anticipatory bail in the event of arrest in FIR
(Annexure P-1) detailed as under:-

FIR No.	Dated	Sections	Police Station
42	12.03.2023	307, 34, IPC (411 added later on) and 25 Arms Act	Moti Nagar, District Ludhiana

2. Briefly stated the case of the prosecution is that present case was registered at the instance of Harwinder Singh, complainant to the effect that on 12.03.2023 he went to Jagrata in his Mohalla and there one person disclosed him that Pretty Uppal may attack him with intention to kill him. He at once returned to his house and while he was closing the gate Preety

Uppal and two other unknown persons came and fired 2-3 shots towards him and out of these shots, one shot hit his shoulder, he raised alarm and then the assailants fled away, as such on these allegations the present FIR was lodged.

3. It has been contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case only on recording of the supplementary statement of the complainant. He submits that the case against the petitioner is of mistaken identity as the complainant had specifically named one Mohit Saini as the person who had fired the shot, who is the brother of the petitioner and the confusion of the name led to the petitioner being named in the present FIR. He submits that Manpreet Pal Singh @ Preety Uppal and Mohit Saini have already been arrested and the alleged weapon of offence i.e. .32 bore pistol has already been recovered, consequent upon the disclosure statement of co-accused. He submits that no injury or overt act has been attributed to the petitioner and as such he prayed for grant of anticipatory bail to the petitioner.

4. Learned State counsel has vehemently argued that the petitioner had committed heinous crime with prior common intention in a well planned manner and the allegations against the petitioner are serious in nature as such custodial interrogation of the petitioner is required. He submits that the petitioner has been specifically named in the supplementary statement of the complainant dated 15.03.2023 whereas his brother Mohit Saini was named specifically in the statement dated 26.03.2023, as such no question of mistaken identity arise at all and moreover CCTV coverage has also been taken on record by the police. He further submits that petitioner is an

habitual offender and he is also an accused in case FIR No. 110 dated 26.07.2021 under Section 22/22-C/29 of the NDPS Act, and as such he prayed for dismissal of the bail application.

5. Considering the rival contentions and perusing the record it transpires that in the present case petitioner being a member of unlawfull assembly, led by one Preety Uppal duly armed with weapons had attacked the complainant, during which Mohit Saini had fired from pistol on the complainant hitting him on the shoulder with intent to kill him. Therefore, no case for grant of anticipatory bail in favour of the petitioner is being made out, as his custodial interrogation is required.

6. Thus, considering the nature and gravity of offence, finding no case being made out in favour of petitioner for grant of anticipatory bail, the petition is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

15.09.2023

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |