

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

218

2023:PHHC:157549

CRM-M-51094-2023

Date of decision: December 7th, 2023

Amrik Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sidhant Vermani, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.33 dated 21.03.2022 registered under Sections 307, 34 of the IPC and Section 25 of the Arms Act registered at Police Station Kathunangal, District Amritsar.

2. While issuing notice of motion on 16.10.2023, the following contentions of the petitioner had been noticed:-

“Learned counsel for the petitioner inter alia contends that his false implication in the case in hand is evident from the fact that the FIR in question was registered after 24 hours of the alleged occurrence. He submits that had it been a case of the petitioner indeed firing upon the complainant with a firearm, he would not have chosen to sit quiet for that long and would have immediately reported against the petitioner to the police.”

3. Learned counsel for the petitioner, while reiterating the above contentions, has further submitted that the injury received on the

wrist of the injured was, on the face of it, a self-inflicted one; in case

had there been any intention on the part of the petitioner to kill the injured, he would have targeted some vital part of the body of the injured, which needs to be appreciated in the light of the enmity between the parties, as the injured was facing trial for the murder of the son of the petitioner but also the nature and seat of injury. Learned State counsel, at the outset, has vehemently opposed the prayer and submissions made by the counsel for the petitioner for extending the extraordinary concession of anticipatory bail to the petitioner in view of the fact that not only was he specifically named in the FIR in question but it was the petitioner, who while pillion riding behind one person "J.P.", fired directly at the complainant, as a result thereof, he sustained a lacerated firearm injury on his left wrist. Learned State counsel has further submitted that the occurrence took place at about 8:45 PM on 20.03.2022 and the complainant was removed to the Guru Nank Dev Hospital, Amritsar, within a couple of hours thereafter by his father and uncle, who were telephonically informed about the occurrence. He has also submitted that as per the Medico-Legal Report of the injured, he was brought to the hospital at about 12:00 midnight. Learned State counsel has submitted that once the injured had been promptly removed to the hospital and also medico-legally examined, which finds fully corroborated from his MLR, which has been produced before the Court today, there was no question of a false and fabricated case being planted upon the petitioner. It has also been submitted that the FIR in question was lodged by the injured while he was still lying admitted in the hospital. Learned State counsel has still further also argued that it is highly improbable that the injury on the left wrist of the injured could have been a self-inflicted one as had been vehemently

argued by the learned counsel for the petitioner. Learned State counsel has furthermore submitted that when the occurrence in question took place, both the injured as well as the accused were riding on their respective motorcycles and hence, the contention of the learned counsel for the petitioner that had there been any intention on the part of the petitioner to kill the injured, he would have targeted some other part of the body and not his wrist, deserves to be rejected outright as both the motorcycles were in motion at the relevant time. Learned counsel has submitted that in view of the fact that the petitioner had been specifically named and attributed a firearm injury, he did not deserve to be extended the extraordinary concession of bail as his custodial interrogation would be required.

4. I have heard learned counsel for the parties and perused the relevant material on record.
5. There are serious allegations levelled against the petitioner, who came pillion riding to the spot armed with a firearm and then attacked the injured. *Prima facie*, it comes across as being a premeditated attack, for which the petitioner does not deserve the extraordinary concession of anticipatory bail.
6. The instant petition, therefore, stands dismissed.
7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 7th, 2023

Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No