106 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CRM-M-53074-2023
Decided on : 18.10.2023

Prabhjot Singh ..... Petitioner

Versus

State of Punjab ..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amit Arora, Advocate
for the petitioner.

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Manjari Nehru Kaul, J.(Oral)

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.245 dated 01.08.2023 under Sections 307, 148, 149 IPC and Section 25 of Arms Act registered at Police Station City Tarn Taran District Tarn Taran.

2. Learned counsel for the petitioner *inter alia* contends that the false implication of the petitioner in the case in hand is evident from the fact that it was after 9 days of the occurrence in question the petitioner was nominated as an accused in the instant case. Learned counsel has submitted that in the FIR (Annexure P-1) neither was the petitioner named nor any role much less any injury attributed to him. While drawing the attention of this Court to the allegations levelled in the FIR, it has been further contended that it had been registered only against accused “Shiv Arora and 15 other unidentified persons”. Learned counsel has, therefore, vehemently argued that it was evident that a fabricated version had been brought forth against the petitioner. Learned

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counsel has further submitted that the petitioner had been dragged into the crime in question only because he was present in the vicinity. Learned counsel has, thus, prayed that in the aforementioned facts and circumstances, custodial interrogation of the petitioner would not be required and he would be willing to join investigation and cooperate with the investigating agency.

3. Heard learned counsel and perused the relevant material on record.

4. As per the case of the prosecution on 01.08.2023 at about 8.30 am, the complainant along with two others i.e. Gurnagal Singh and Harnoor Singh had gone to Jalandhar Rama Mandi in their car. While they were on their way, Harnoor Singh received a call from his brother Gursan Singh that some boys were arguing with him near Italian Cafe near Panj Tara. Harnoor Singh was asked to reach there immediately. When the complainant along with Harnoor Singh and Gurnagal Singh reached Italian Cafe, suddenly 10-15 persons arrived at the spot in their vehicles, who were armed with lethal weapons including fire arm. Accused Shiv Arora along with his accomplishes started quarreling with the complainant party. Even though the complainant and Arshdeep Singh tried to pacify them, however, they fired with a pistol on his left leg. Accused Shiv Arora thereafter inflicted various injuries with the datar on different parts of the body of injured Harnoor Singh. Not only this, accused Shiv Arora fired from his fire arm at the right leg of Arshdeep Singh. However, on a hue and cry raised by the complainant party, people were attracted to the spot, as a result of which, the assailants fled away.

5. This Court does not find any merit in the submissions made by the counsel for the petitioner that since there was an unexplained delay of 9 days in

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naming him, a fabricated version had been brought forth. It is a matter of record and has also not been disputed, rather, it has been conceded by the learned counsel for the petitioner that injured Harnoor Singh, after being inflicted multiple injuries on his person, was removed to the hospital in a serious condition. He remained unfit to make a statement and it was only after he had been declared fit by the doctor, he gave a statement to the police on 10.08.2023 wherein he not only stated that accused Shiv Arora had attacked him with lethal weapons but also stated that the petitioner was accompanying the co-accused. *Prima facie*, it comes across as a premeditated attack. The petitioner was part of the unlawful assembly, which attacked the complainant party with lethal weapons.

6. Hence, In the facts and circumstances of the case, the petitioner does not deserve the extra-ordinary concession of anticipatory bail. Accordingly, the present petition stands dismissed. 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.

(MANJARI NEHRU KAUL)
JUDGE

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

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