

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-56494-2022
Date of Decision: 05.01.2023

Gurjant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

ANOOP CHITKARA, J.

DDR No.	Dated	Police Station	Sections
31	30.04.2021	Makhu, District Ferozepur	307, 148, 149 IPC and 25/27 of Arms Act

in

FIR No.	Dated	Police Station	Sections
39	30.04.2021	Makhu, District Ferozepur	307, 506, 148, 149 IPC

1. The petitioner apprehending arrest in the FIR captioned above, on the allegations of firing as many as 80/90 rounds on the opposite party, has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 11 of the bail petition, the accused declares that he has no criminal antecedents.
3. Petitioner's counsel argued that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. State's counsel opposes the bail.

REASONING:

5. On 30.04.2021, the police recorded the statement of the complainant, about that on 29.04.2021 at around 9.30 pm, the petitioner and his accomplices fired upon them. During the investigation, the police recovered a large number of empty shells and prima

facie it appears that around 90 shots were fired. It appears that the parties had launched a war against each other and they fired like as if it was a cross border firing. Given the seriousness of the allegations and such massive huge firing the accused are not entitled to bail.

6. The allegations are serious and offence heinous. The evidence collected so far points out that the petitioner brutally and mercilessly assaulted the victim. Given the nature of injuries and preparations made for such assault, it does not entitle the petitioner to bail at this stage.

7. An analysis of the allegations and evidence collected does not warrant the grant of bail to the petitioner.

8. In *Jai Prakash Singh v. State of Bihar and another* (2012) 4 SCC 379, Hon'ble Supreme Court holds,

[19]. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroled in the crime and would not misuse his liberty. [See *D.K. Ganesh Babu v. P.T. Manokaran* (2007) 4 SCC 434, *State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain* (2008) 1 SCC 213 and *Union of India v. PadamNarain Aggarwal* (2008) 13 SCC 305].

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail at this stage.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits, neither the court taking up regular bail nor the trial Court shall advert to these comments.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

05.01.2023
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.