

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

(101)

CRM-M-64956-2023

Date of decision: - 22.12.2023

Satinder Singh**....Petitioner****Versus****State of Punjab****.....Respondent****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

Present:- Mr. S.S. Rangi, Advocate
for the petitioner.

Mr. Ferry Sofat, Additional Advocate General, Punjab.

VIKAS BAHL, J. (ORAL)

1. This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.81 dated 18.07.2023, under Sections 452, 307, 323, 506, 148 and 149 IPC and Section 25 of the Arms Act, 1959, registered at Police Station Anaj Mandi, District Patiala.

2. Brief facts of the case are that the above-said FIR was registered on the statement of Lakhwinder Singh @ Lakha, in which, the petitioner was specifically named. A perusal of the FIR would show that there was apparently a dispute with respect to installing of a gate by the complainant party to which, the party of Ranjodh Singh (to which the petitioner belonged to) was unhappy and the said Ranjodh Singh along with the petitioner and other large number of persons went into the house of the complainant, thus, committing criminal trespass and it has been

alleged in the FIR that the petitioner was carrying a .12 bore gun in his hands and thereafter, it has been specifically alleged against the petitioner that he had fired a shot with intention to kill Amarjit Kaur and the pellets of the fire hit her left leg. In the incident, four persons were injured, namely, Amarjit Kaur, Mehal Singh, Gursewak Singh and complainant Lakhwinder Singh @ Lakha. A perusal of MLR (Annexure P-4) of the injured Amarjit Kaur, with respect to whom a specific injury has been attributed to the present petitioner, would show that she had suffered lacerated wound of size 0.8 cm x 0.4 cm with fresh bleeding from the wound present over the front of left leg. It is the case of the petitioner in the present petition that he had a .12 bore gun although, it is stated that the petitioner has a license (Annexure P-5) for the same. The petitioner applied for the concession of anticipatory bail before the Additional Sessions Judge, Patiala and the Additional Sessions Judge, Patiala, took into consideration the fact that the petitioner along with other accused had trespassed into the house of the complainant and had inflicted injuries on the said four persons and the injuries on the person of Gursewak Singh was from fire arm and was on a vital part i.e. jaw and Lakhwinder Singh had suffered injuries on the chest and little finger of the right hand and Mehal Singh had suffered injuries on the right shoulder and right elbow and Amarjit Kaur had suffered fire arm injuries on her left leg, which was attributed to the present petitioner. It was further observed that the petitioner was involved in another case i.e. FIR No.34 dated 01.03.2021, under Section 18 of the Narcotic Drugs and Psychotropic Substances Act and thus, the anticipatory bail application of the petitioner was rejected.

Thereafter, the petitioner has approached this Court by filing the present petition after a period of five months from the date of registration of the FIR and more than two months from the date of dismissal of the anticipatory bail by the Additional Sessions Judge, Patiala. A perusal of the petition would show that the petitioner in addition to FIR No.34 dated 01.03.2021, is also involved in FIR No.56 dated 16.06.2023.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present FIR and has stated that as per the FIR, the petitioner has been attributed an injury with .12 bore gun in his hand while he was on the roof and the said injury has been inflicted on Amarjit Kaur, who was stated to be standing in the courtyard, whereas, as per the MLR, the direction of the wound is from the lower end (towards ankle) to upper end (knee). It is stated that in case the said injury has been caused by the petitioner, then, the injury would have been downwards. It is further stated that one of the reasons given in the order rejecting anticipatory bail to the petitioner is that the .12 bore gun is yet to be recovered from the petitioner, which he is ready to surrender. It is also submitted that another co-accused i.e., Sardool Singh was also armed with a .12 bore gun and thus, the question as to from whose gun the said injury has been inflicted on Amarjit Kaur, would be a matter of trial.

4. This Court has heard learned counsel for the parties and has gone through the paperbook and finds that petitioner does not deserve the concession of anticipatory bail.

5. In the FIR, there are specific allegations against the petitioner to the effect that he, along with the other co-accused, had entered into the

house of the complainant and had thus *prima facie* committed the offence under Section 452 IPC. It is further specifically alleged against the petitioner that he was armed with .12 bore gun and had fired a shot with the intention to kill Amarjit Kaur wife of Malak Singh and the said pellets hit her left leg. MLR (Annexure P-4) of Amarjit Kaur would also show that the said Amarjit Kaur had suffered a gun shot injury on her left leg. The fact that the petitioner has .12 bore gun is also *prima facie* clear from the licence (Annexure P-5), which has been annexed by the petitioner to show that the said gun is a licensed gun. Since there are specific allegations against the petitioner with respect to having caused gun shot injury on the person of Amarjit Kaur, thus, the Additional Sessions Judge, Patiala, vide order dated 16.10.2023 had rightly dismissed the anticipatory bail of the petitioner. The petitioner has been evading his arrest, inasmuch as, the present FIR was registered on 18.07.2023 and the anticipatory bail application of the petitioner was dismissed by the Additional Sessions Judge, Patiala on 16.10.2023 and the present petition has been filed after a period of more than five months from the date of the FIR and more than two months from the date of passing of the order dated 16.10.2023. The petitioner is involved in two other FIRs i.e. FIR No.34 dated 01.03.2021, under Section 18 of the Narcotic Drugs & Psychotropic Substances Act and FIR No.56 dated 16.06.2023, under Section 323, 341, 506, 148 and 149 IPC and is thus, a habitual offender. The arguments of learned counsel for the petitioner to the effect that Sardool Singh (co-accused of the petitioner) was also armed with .12 bore gun and the question as to who had fired a gun shot on Amarjit Kaur, is a matter of

debate, would not further the case of the petitioner, inasmuch, a perusal of page 21 of the paperbook would show that in the FIR, it has been specifically alleged that Sardool Singh with the .12 bore gun in his hand had fired a shot at the complainant and the pellet of the gun had hit him on his chest, whereas, with respect to Amarjit Kaur, there is a specific attribution against the petitioner. It has been recorded by the Additional Sessions Judge, Patiala that in addition to the injured Amarjit Kaur, injuries had been suffered by Gursewak Singh, complainant Lakhwinder Singh @ Lakha on the chest and little finger of the right hand and also by Mehal Singh. Even the other arguments raised by learned counsel for the petitioner would not entitle the petitioner to the concession of anticipatory bail since there are specific allegations against the petitioner and the offences committed by the petitioner along with the other co-accused, as per the case of the prosecution, are serious and thus, the custodial interrogation of the petitioner is necessary.

6. Keeping in view the abovesaid facts and circumstances, the present petitioner does not deserve the concession of anticipatory bail and thus, the present petition is dismissed.

7. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present petition.

December 22, 2023

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**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No