

102+210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-4252-2024 in/and
CRM-M-4037-2024
Date of Decision:01.02.2024

Amanjot Singh alias Aman Sethi ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat

Present : Mr. Bharat Puri, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

CRM-4252-2024

1. Application is allowed as prayed for. Annexures P-14 and P-15 are taken on record.

CRM-M-4037-2024

1. In compliance of order dated 25.01.2024, short reply by way of an affidavit of Assistant Commissioner of Police, Sub-Division Central, Jalandhar has been filed on behalf of the respondent-State in Court today and the same is taken on record.

2. The petitioner has filed the present petition under Section 438 Cr.P.C with a prayer to grant anticipatory bail to him in case FIR No.56 dated 15.04.2022 under Sections 307, 148, 149 of IPC (Sections 109, 120-B, 212, 216 IPC added later on) and Sections 25, 27, 54, 59 of Arms Act, registered at Police

Station Division No.2, District Police Commissionerate, Jalandhar (Annexure P-1).

3. Learned counsel for the petitioner contends that the petitioner is well educated person and was studying in Australia. However, due to ill health of his father, he returned India and is taking care of the business of his father. As per learned counsel, the petitioner was named in the FIR but no specific role was assigned to him. Even, it has been alleged by the prosecution that the petitioner was allegedly sitting in the car, when the incident of firing had taken place and no overt act has been attributed to him. Learned counsel further contends that even as per the report prepared by Assistant Commissioner of Police, Central, Jalandhar and Deputy Commissioner of Police, City Jalandhar (Annexures P-5 and P-6 respectively), the petitioner was not found present at the place of alleged occurrence. Learned counsel next contends that the custody of the petitioner is not required in the facts and circumstances of the present case.

4. On other other hand, learned State counsel, on instructions from ASI Anil Kumar, has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner and other accused had participated in the occurrence and due to the fire shots, a passers-by Harmel Singh was injured. However, learned State counsel admits that there is no other case against the present petitioner.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, as per the inquiries conducted by ACP and DCP, Jalandhar, the presence of the present petition was not found at the place

of alleged occurrence. Apart from that, as per the Investigating Officer, the petitioner was sitting in the car while the occurrence had taken place. Thus, the custody of the petitioner will not serve any meaningful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

01.02.2024
hemlata

(N.S.SHEKHAWAT)
JUDGE

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