

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.12985 of 2024
Date of Decision: 02.04.2024

GURWINDER SINGH
Vs
STATE OF PUNJAB
.....Petitioner(s)
....Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. S.S. Nagra, Advocate
for the petitioner.

Mr. Kewal Singh, Addl. A.G., Punjab.

HARKESH MANUJA, J. (Oral)

- [1]. By way of present petition filed under Section 438 Cr.P.C., prayer has made for grant of anticipatory bail to the petitioner in case bearing FIR No.106 dated 14.11.2023 registered under Sections 307, 323, 506, 148, 149 IPC and Sections 25 & 27 of Arms Act at Police Station Fatehgarh Churian.
- [2]. Reply by way of affidavit of Khushbir Kaur, PPS, Deputy Superintendent of Police, Sub Division Fatehgarh Churian, Police District Batala on behalf of the respondent/State has been filed in Court, which is taken on record.
- [3]. The FIR in question was lodged on the complaint made by Gurbir Singh wherein the petitioner was implicated with the allegations of having raised *lalkara* and as an offshoot thereof other accused namely Akashdeep Singh fired shot upon the complainant besides he being beaten up by few others.
- [4]. Learned counsel for the petitioner submits that besides raising of *lalkara*, there is no other allegation against the petitioner of having inflicted any kind of injury upon the person of complainant/victim and, thus he deserves concession of anticipatory bail.

[5]. On the other hand, the prayer made on behalf of the petitioner has been vehemently opposed by learned State counsel while submitting that petitioner is involved in three more cases though in one he already stands acquitted whereas in the another bearing FIR No.24 dated 07.04.2022 registered under Sections 307, 323, 324, 148, 149, 120-B IPC at P.S. Dhania Ke Bagar, report in his favour has been filed. It has been further submitted that considering his antecedents and the attribution of *lalkara* to him in the present FIR, he does not deserve concession of anticipatory bail.

[6]. I have heard learned counsel for the parties and perused the contents of the paper book. I am unable to find substance in the submissions made by learned counsel for the petitioner.

[7]. Perusal of the contents of FIR show that upon instigation of the petitioners, the entire incident took place, petitioner having raised *lalkara*, resulting into fire arm injuries inflicted upon the person of victim/complainant. Though no specific injury has been attributed to the petitioner, but his role is that of an aggressor having pre-determined and pre-conceived mind and at whose instance the entire incident commenced which makes him disentitled for grant of discretion of anticipatory bail and, thus, considering the nature of offence, its seriousness besides its gravity and the manner in which the incident has been committed, I do not see any reason to grant concession of anticipatory bail in his favour especially in order to ensure the fair and free investigation. Consequently, the present petition is dismissed.

April 02, 2024
Atik

(HARKESH MANUJA)
JUDGE

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