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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.18850-2024
Date of Decision:-21.05.2024

DHARMINDER SINGH @ TALWINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Charitr Kadian, Advocate for
Mr. Vinod Kumar Kaushal, Advocate, for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J (ORAL)

Learned State counsel filed short reply by way of affidavit dated 20.05.2024 of Deputy Superintendent of Police, Attari, Amritsar (Rural) is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. By way of the present petition filed under Section 438 Cr.P.C the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
27	24.02.2024	307, 506, 34 IPC, 27 of Arms Act.	Kamboj, District Amritsar Rural, Amritsar

3. Brief facts of the case are that on the night of 23.02.2024, complainant Ranbir Singh and his wife were in drawing room, at about



10:45 PM bullets hit the glasses of the drawing room. Both of them ran into another room and complainant came out and saw Talwinder Singh @ Dharminder Singh and Amandeep Singh @ Aman were present in the Fortuner vehicle in front of the gate of his house. Talwinder Singh sitting on the driver seat was firing from rifle towards his drawing room and on seeing complainant, he fired at him with an intention to kill him which hit the glass of his drawing room and on raising alarm both of them ran away, as such the FIR was registered.

4. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in this case. He submits that no injury has been attributed to the petitioner in this case and the petitioner was not present on the spot at the time of alleged occurrence. He submits that complainant has political rivalry with the petitioner as they both are candidates for the post of Sarpanch of the village and only for the sake of political revenge he has implicated the petitioner in this case. He submits that petitioner is ready to join the investigation, as such, he prays for grant of concession of anticipatory bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply dated 20.05.2024 has opposed the bail application by arguing that the petitioner has actively participated in the alleged occurrence and fired at complainant with an intention to kill him, which hit the glass of his drawing room. He submits that petitioner is habitual offender having cross case vide GDR No. 54 dated 25.04.2022 under Section 336, 325, 323, 452, 427, 148, 149 IPC registered against the present petitioner in FIR No. 46 dated 25.04.2022

under Section 307, 326, 323, 148, 149 IPC and 25/27 of Arms Act and weapon used in the occurrence is yet to be recovered from him for which custodial interrogation of the petitioner is required, as such prays for dismissal of the petition.

6. After hearing the respective submissions and perusing the record, it transpires that the present case was registered on the basis of statement of complainant/victim Ranvir Singh alleging that Talwinder Singh fired from the rifle with an intention to kill him which hit the glass of his drawing room. The recovery of weapon is yet to be effected and as per reply submitted by learned counsel for the State one criminal case of similar nature is also registered against the petitioner.

7. Therefore, considering the facts and circumstances of the present case coupled with the nature and gravity of the offence, no case is made out in favour of the petitioner for grant of anticipatory bail, as such his custodial interrogation is required to recover the weapon used in the occurrence. Accordingly, finding no merit in the present petition, the same is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

21.05.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |