



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

**CRM-M-26491-2024
DECIDED ON: 24.05.2024**

RAJBIR SINGH @ SUKHJIT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. A.S. Brar, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.66, dated 05.05.2024 (Annexure P-1), under Sections 307, 341, 323, 188 of IPC, 1860 and Sections 25 and 27 of Arms Act, registered at Police Station Nihal Singh Wala, District Moga.

Learned counsel for the petitioner contends that it is totally a false implication and is a case of no injury as per the story of the prosecution which is evident on bare perusal of the narrated facts in the FIR itself. He further submits that the petitioner did not give any gun shot.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG, Punjab accepts notice on behalf of the respondent-State and submits on instructions from SI Prithpal who has brought the case file of the investigation conducted so far, on examination of site plan prepared contends that the petitioner has

fired a gun shot while standing in close proximity to the complainant but still it missed.

When countered by this Court as to why Section 307 IPC has been added in the instant FIR, is there any chance of missing the bullet without even touching the body of the complainant with the pellet itself it was improved upon reversion as per the instructions from ASI Prithpal that actually the gun shot was fired in the air and thereafter ended into a no injury case.

As far as question of Section 323 IPC is concerned even qua that there is no medical report. It could not convince the Court that any physical harm has been caused to the complainant since all the injuries narrated in the instant FIR are blunt in nature and have been received by the complainant when he fell down on the hard surface.

If culled out on the basis of assertions noticed hereinabove as submitted by the respective counsel for the parties, this Court is left with no doubt that atleast the offence under Section 307 IPC is not made out since the gun shot has been fired in the air meaning thereby there is no intent on the part of the petitioner to kill or cause any injury to the complainant, which is dangerous to life with the said weapon. Another aspect which is to be noted herein that no incriminating evidence is available with the prosecution so far despite examination of the spot of occurrence as has been categorically narrated by Mr. Rajiv Verma, DAG, Punjab on instructions from ASI Prithap Singh, present in Court to assist him.

Be that as it may, it is a fit case where the petition deserves to be allowed as no fruitful purpose would be served by sending the petitioner

behind the bars since no such facts have been brought which would necessitated the custodial interrogation of the petitioner.

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 438(2) of Cr.P.C.

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stands cancelled.

The petition in the aforesaid terms stands disposed off.

24.05.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No