



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-26313-2024

Date of decision: 04.11.2024

Rajinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Wadhawan, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Mr. Balbir Singh Jaswal, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.67 dated 04.04.2024 under Sections 307, 341, 506, 120-B, 148, 149 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Lopoke, District Amritsar Rural.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, alongside other co-accused, on allegations of causing injuries to the complainant while being armed with a firearm. While drawing the attention of this Court to the allegations levelled in the FIR annexed as Annexure P-1, learned counsel submits that the narrative of the prosecution regarding the petitioner allegedly firing a gun shot is completely baseless. It has been asserted by the learned counsel that the false implication of the



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petitioner in the present case is supported by delay of one day in the registration of the FIR following the alleged incident, and an additional delay in the medico legal examination of the complainant which was carried out only on 05.04.2024, although the occurrence purportedly took place on 03.04.2024.

3. Further, learned counsel for the petitioner argues that the injury attributed to the petitioner has been opined to be simple in nature as per the MLR of the complainant annexed as Annexure P-2. It has also been submitted that the petitioner has already complied with the order of this Court dated 29.05.2024 by joining investigation and fully cooperating with the investigating agency. In view of these circumstances, learned counsel asserts that custodial interrogation of the petitioner would not be required in the present case and hence, the order dated 29.05.2024 be made absolute.

4. Per contra, learned State counsel assisted by learned counsel for the complainant has vehemently opposed the prayer and submissions made by learned counsel for the petitioner. Learned State counsel on instructions has acknowledged that the petitioner did join investigation, however, it has been contended by the learned State counsel that the petitioner had failed to cooperate with the investigating agency. Accordingly, learned State counsel maintains that in the circumstances, custodial interrogation of the petitioner is required to recover the weapon of offence moreso when on account of the non-cooperation of the petitioner, the progress in the investigation is being hindered. Moreover, learned State counsel has emphasized that there

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are serious and specific allegations levelled against the petitioner of having fired a gun shot with the intention to kill the complainant, which luckily just grazed his right arm. In addition, learned State counsel asserts that the petitioner has previous criminal antecedents, with four other criminal cases registered against him. It has been, thus, submitted by the learned State counsel that the petitioner has misused the liberty granted to him in the other pending cases as he has again committed a serious offence.

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

6. Prima facie, there are serious and specific allegations levelled against the petitioner of firing a shot with an intent to kill the complainant. Furthermore, as also highlighted by the learned State counsel, the involvement in the petitioner in multiple previous criminal cases adds a concerning dimension.

7. In light of the seriousness of the allegations and criminal antecedents of the petitioner coupled with the petitioner not cooperating with the investigating agency, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The instant petition stands dismissed accordingly.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

04.11.2024

Vinay

(MANJARI NEHRU KAUL)**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No