

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28955-2024
Reserved on: 09.08.2024
Pronounced on: 30.08.2024

Gurdeep Singh @ Baba @ Gurpreet Singh ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gagandeep Singh Simble, Advocate
 for the petitioner.

 Mr. Sukhdev Singh, A.A.G., Punjab.

 Ms. Daman Batalvi, Advocate for
 Mr. Kashish Aggarwal, Advocate
 for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
20	05.02.2024	Sadar, Police District Police Commissionerate Amritsar	307, 34 IPC and 25, 27, 54, 59 of Arms Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. In paragraph 14 of the status report, the accused has massive criminal antecedents.
3. Facts of the case are being extracted from status report filed by Assistant Commissioner of Police which reads as follows:-

“4. It is submitted that as per the report furnished by SHO, P.S. Sadar, Amritsar, on 05.02.2024, the statement of the Complainant Gurkirat Singh @ Kirat Singh S/o Sewak Singh, who was admitted in Emergency Ward of Guru Nanak Dev Hospital, Amritsar in injured condition having receiving gunshot injury, was recorded by ASI Jeewan Singh, In-charge Police Post Vijay Nagar, Police Station Sadar, Amritsar wherein it was alleged that on 05.02.2024 at about 2:30 to 3:00 PM, the complainant along with his friends Suraj and Rohin while riding on motorcycle Splendor of his another friend Mola, were passing through Street No. 05, Sandhu Colony, Khu Kundian wala. The complainant who knew Ankush S/o Raj Kumar and his two unknown friends, wherein one was a Sikh

person, were standing outside his house. Upon seeing the complainant, the above said persons started abusing them. Ankush said that don't let them go. Thereupon, the Sikh person standing by the side of Ankush, started firing straight gunshots from his pistol at them (complainant) with an intention to kill them. The motorcycle of the complainant stopped and the complainant tried to run away then one of the gunshots fired by the above said Sikh person hit on left buttock of the complainant and the complainant fell down at some distance near house of Bobby Dhawan. The friends of the complainant ran away from the spot on the motorcycle. The inhabitants of the locality admitted the complainant in Civil Hospital, Amritsar, where his MLR was issued and the doctor referred the complainant to Guru Nanak Dev Hospital, Amritsar. The reason of grudge is that they (both the parties) are already having old enmity and they both the parties have got registered FIRs against each other. Hence, legal action be taken against Ankush and his unknown accomplices and he can identify the unknown persons. Therefore, on the basis of the aforesaid statement, the case FIR No. 20 dated 05.02.2024, under Section 307, 34 IPC, 25, 27 Arms Act, Police Station Sadar, Amritsar was registered by ASI Jeevan Singh.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State opposes bail.

6. The victim's counsel states on instructions that they have no objection to bail because the petitioner was not present at the spot.

7. The petitioner was not named in FIR, and given the victim's stand and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. The petitioner is directed to join the investigation within seven days and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.