

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-32822-2024
Decided on 12.07.2024

Dilbag Singh @ Bagga

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Gursharan Singh, Advocate for the petitioner
Mr. Rajiv Verma, DAG Punjab

Sandeep Moudgil, J.

(1). This petition under Section 438 CrPC has been filed by the petitioner seeking anticipatory bail in case FIR No.304 dated 13.11.2023 (Annexure P1) under Sections 307/148/149 IPC and Section 25/27 of Arms Act, registered at Police Station Civil Lines, Batala, District Gurdaspur

(2). Learned counsel for the petitioner contends that the present FIR is nothing but a counter-blast to the criminal case by the petitioner in FIR No.307 dated 14.11.2023 under Sections 354/323/34 IPC registered at PS Civil Lines Batala wherein the complainant and his cousins attacked the petitioner and other family members and tried to kill them and during the attack Simran (cousin sister of the complainant) also got 5 blunt injuries. He submits that Simran earlier got married to Deepak Kumar @ Deepa but subsequently started living with Sanjeev (brother of the petitioner) in live-in relationship against the wishes of the complainant and other family members and in regard thereto, this Court also granted protection to them in CRWP-566-2024 (Simran & Ors. vs. State of Punjab & Ors.) vide order dated 15.02.2024 (Annexure P7).

(3). Learned counsel then argued that the complainant and their brothers are goons and are involved in unlawful activities and have gone down to the extent of tarnishing the image of sister of the petitioner by uploading bad, filthy and accusable words against her character as is evident from the copies of the Instagram (Annexures P4 & P5).

(4). On the other hand, learned State counsel has opposed the prayer made by the petitioner on the assertion that the allegations against the petitioner are serious in nature as he along with co-accused are found involved in causing serious injuries to the complainant inasmuch as they fired gun-shots on the complainant with intention to kill him and therefore, he does not deserves any leniency, at this stage.

(5). Heard learned counsel for the parties.

(6). The allegations in the present FIR registered at the instance of complainant Robin against the petitioner and three other persons is that on 12.11.2023, after a little altercation between the petitioner and the complainant, the petitioner Dilbagh Singh armed with pistol, Sanjeev Kumar armed with pistol, Shakti, Shallu and Ghulla all three armed with dattars came outside the house of the complainant and the petitioner while raising lalkara, fired a gun-shot towards the complainant with intention to kill him which hit him on his left thigh.

(7). The nature of allegation seems to be serious in nature as it has been alleged that the petitioner had fired gun shots towards the complainant in order to kill him out of which one had hit his left thigh. The pistol used by the present accused/applicant is yet to be recovered and his role is also required to be probed thoroughly and thus, his arrest is necessary to carry out

the effective investigation moreso when the bail applications of the other co-accused stand already dismissed.

(8). The relief of anticipatory bail is aimed at safeguarding individual rights as it serves as a crucial tool to prevent the misuse of the power of arrest and protect innocent individuals from harassment and also present challenges in maintaining a delicate balance between individual rights and interests of justice. This Court has to strike balance between safeguarding individual rights and protecting public interest. While the right to liberty and presumption of innocence are vital, the gravity of the offence, the impact on society and the need for a fair and free investigation also need to be considered.

(9). In the present case, the apprehension of the petitioner’s hampering or interfering in the investigational process cannot be ruled out straightaway because a person under pre-arrest bail may not cooperate and disclose all the relevant facts under the garb of the safeguard provided to him while granting anticipatory bail.

(10). Accordingly, this Court does not find it to be a fit case to extend the concession of anticipatory bail and as such, this petition is dismissed.

(11). The trial Court shall not be influenced by the observations made herein above by this Court.

12.07.2024
V.Vishal

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

(Sandeep Moudgil)
Judge

- Yes/No
- Yes/No