

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36664-2023
Date of decision: 16.01.2024

JASBIR SINGHPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Jagraj Singh, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.0105 dated 19.09.2022, under Sections 307, 452, 354, 324, 323, 120-B, 148, 149 and 457 IPC and Sections 25 and 27 of Arms Act, registered at Police Station Bhikhiwind, District Tarn Taran (Annexure P-1).

2. Learned counsel for the petitioner *inter alia* contends that the present FIR was registered at the instance of Jagroop Singh against 09 persons. Six accused persons, including the present petitioner, were granted interim bail by the Court of learned Additional Sessions Judge, Tarn Taran. The petitioner joined investigation in pursuance to the said order dated 21.12.2022, passed by the learned Additional Sessions Judge, Tarn Taran. However, the bail application of the petitioner was dismissed by the Court of Additional Sessions Judge, Tarn Taran merely on the ground that the petitioner/accused was armed with pistol and recovery of the same was not effected from him. Learned counsel for the petitioner further contends that

the petitioner is not in possession of any pistol and the alleged injuries are caused with double-barrel gun and not with a pistol.

3. Learned State counsel has opposed the bail application on the ground of gravity of allegations levelled against the petitioner. Referring to the status report filed by way of affidavit of Sh. Preetinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Valtoha, Camp at Bhikhiwind, District Tarn Taran, learned State counsel contends that the present FIR was registered at the instance of Jagroop Singh against the petitioner as well as co-accused namely Rajbir Singh, Gurjit Singh, Jagbir Singh, Rajandeep Singh @ Jajbir Singh, Gurlal Singh @ Lali son of Karnail Singh, son of Brahmin's son namely Gagan @ Brahmin Dodhi son of Inderjit Singh alias Titu, Chanan Singh, Bakhshish Singh, Gurlal Singh son of Hardial Singh along with 20/25 unknown persons, who came with their respective weapons and caused injuries to Jagroop Singh, Sukhdev Singh, Satnam Singh and Vicky. As per the Medico Legal Reports, there are many injuries on the person of the said four injured persons. Some injuries are still under observation and radiological examination, reports of the same are still pending.

4. It is further contended by the learned State counsel that when the Investigating Officer reached at the spot, he got recovered 28 empty cartridges of 32-bore pistol and torn shirt of the victim.

5. Learned State counsel further contends that co-accused of the petitioner namely Rajanbir Singh @ Jajbir Singh and Jagbir Singh got themselves admitted in Civil Hospital, Patti and Rajanbir Singh @ Jajbir Singh also got his statement recorded before the Investigating Officer. However, the allegations levelled by him against the complainant party were found to be frivolous and the injuries inflicted on the person of Rajanbir Singh @ Jajbir Singh and Jagbir Singh

6. It is further mentioned in the status report that though the petitioner has joined investigation in pursuance to the order dated 21.12.2022, passed by learned Additional Sessions Judge, Tarn Taran, but the weapon i.e. the pistol used by him was not recovered from him and he did not cooperate in the investigation, as such, the bail application of the petitioner was dismissed.

7. As per the status report, the petitioner is a habitual offender and at present, 09 other cases have been registered against him, which are detailed as under:-

Sr.No.	FIR No.	Under Sections	Police Station
1.	FIR No.01 dated 04.01.2019	380/457/342 of IPC	Ajitwal, Moga
2.	FIR No.41 dated 01.03.2018	457/380/342/395 of IPC	Shahkot
3.	FIR No.35 dated 23.08.2018	379/411 of IPC	Kacha Pakka
4.	FIR No.136 dated 10.09.2016	457/380/342/382/411 of IPC	Sadar Zira
5.	FIR No.91 dated 29.12.2016	457/380/342/382/411 of IPC	Sadar Malout
6.	FIR No.32 dated 23.02.2018	342/392/457/380/395 of IPC	Bagha Purana
7.	FIR No.329 dated 04.12.2015	457/380 of IPC	City Patti
8.	FIR No.186 dated 23.08.2018	382/458/120-B of IPC	Chheharta, District Amritsar
9.	FIR No.121 dated 20.02.2017	382/458/411/342 of IPC and 25/27 of Arms Act	Baahwala, District Fazilka

8. I have considered the aforesaid contentions.

9. As per the provisions of Section 438 Cr.P.C., the nature and gravity of accusations and antecedents of the applicant are material factors to be taken into consideration while granting a relief. In the present case, despite the petitioner was granted interim protection under Section 438 Cr.P.C. by the Additional Sessions Judge, Tarn Taran, but recovery has not been effected from him. The allegations against the petitioner are serious in nature. As per the FIR, at around 3:30 PM to 4:00 PM, the complainant heard gun-shot firing in the street and when he went out,

he found that the petitioner along with 09 other persons, who are named in the FIR and 20/25 unidentified persons were firing gunshots and were coming towards the complainant. Bakshish Singh raised lalkara upon which, co-accused/Rajanbir Singh hit the complainant with *datar*. Brother of the complainant closed the door. Despite that, co-accused of the petitioner forcibly entered the house and inflicted injuries on them. As per the status report, there are four injured persons. As per the Medico Legal Report, Jagroop Singh has sustained 11 injuries, Sukhdev Singh has sustained 04 injuries, Satnam Singh has received 03 injuries and Vicky has received ten injuries. Apart from this, the Investigating Officer has collected 28 empty cartridges of 32-bore pistol at the spot.

10. Keeping in view the gravity of the allegations levelled against the petitioner and the manner in which the said offence was committed, no ground is made out for releasing the petitioner on pre-arrest bail. Consequently, the present application stands dismissed.

11. All the pending miscellaneous applications, if any, shall also stand disposed of.

12. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

(HARPREET KAUR JEEWAN)
JUDGE

16.01.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No