

101+201

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35216-2024
Date of Decision:- 16.10.2024

SOHANPetitioner

Vs.

STATE OF PUNJAB ...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sant Pal Singh Sidhu, Advocate for petitioner.

Mr. Kewal Singh, Addl. A.G. Punjab.

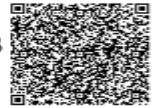
Mr. Nakul Sharma, Advocate for the complainant.

AMARJOT BHATTI, J. (Oral)

CRM-39906-2024

Learned counsel for complainant filed application under Section 482 Cr.P.C. for placing on record photographs as Annexure A-1. Copy of said photographs are supplied to the opposite counsel, who have no objection to the application being allowed.

For the reasons mentioned in the application as well as no objection, application is allowed and accompanied photographs are taken on record.

**CRM-40876-2024**

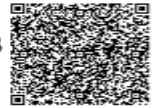
Learned counsel for complainant also filed application under Section 482 Cr.P.C. for placing on record CD as Annexure A-2. Copy of said CD is supplied to the opposite counsel, who have no objection to the application being allowed.

For the reasons mentioned in the application as well as no objection, application is allowed and accompanied document i.e. CD (Annexure A-2) is taken on record.

Main case.

1. Petitioner has filed instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.46 dated 09.06.2024 under Sections 307, 324, 323, 341, 379-B, 148, 149 IPC and Sections 25 and 27 of Arms Act, 1959 (Offence under Sections 325, 326, 379B (2) IPC added later-on and Section 379-B IPC has been deleted) registered at Police Station Mallanwala, District Ferozepur.

2. As per facts of the case, Sukhjinder Singh complainant gave his statement that on 09.06.2024 at about 9/10 am, he was cultivating the land taken on lease from Lakhwinder Singh. Kulwinder Singh, Balwinder Singh, Sohan Singh and Karanvir Singh came there and started abusing him. They tried to quarrel with him. Lakhwinder Singh reached on the spot and stopped them. On this, Kulwinder Singh and others went away. Again at about 2 pm he along with Lakhwinder Singh returned from Ferozepur. Lakhwinder Singh dropped him in the chowk and had gone to his house. He was coming towards his house when one Creta car No.PB-05-AR-9511, One Punto car PB-05-AN-5535 and one Breeza Car came there. Kulwinder Singh, Balwinder Singh and Gurmeet Singh armed with .315 bore rifle,



Sohan Singh, Karanveer along with 7-8 unknown persons caught hold of him in front of the door of his Haveli. Their nephew resident of village Aalewala was armed with revolver and he fired shot. One more person armed with .315 bore rifle fired shot. He was attacked at the instance of Kulwinder Singh and Balwinder Singh. He deliberately stopped breathing. Thereafter all the assailants left the spot with their respective weapons. Entire occurrence was captured in CCTV camera. With these allegations present FIR has been registered.

3. Counsel for petitioner argued that he is falsely implicated in this case. He was not seen in said CCTV footage. No specific role is attributed to him. He is ready to cooperate with the investigation. It is prayed that his anticipatory bail may be allowed.

4. Bail application is strongly opposed by learned counsel representing complainant. It is argued that entire episode was captured in CCTV footage. One CD (Annexure A-1) is also placed on record. Apart from this, he has annexed the photographs of injured. There are specific serious allegations against present petitioner. Therefore, he is not entitled to be released on bail.

5. Status report is filed confirming the facts narrated in the FIR. It is pointed out that as per the MLR of injured Sukhjinder Singh, he suffered 12 injuries. As per GD No.19 dated 06.08.2024 offence under Sections 379-B (2), 326 and 325 IPC were added. It is confirmed that present petitioner has already joined the investigation and on specific query, it is replied that he is not required for further investigation.

6. I have considered the aforesaid factual position. Present petitioner has already joined the investigation. He is named in the FIR.



However, no specific role is attributed to him. Even otherwise, involvement of present petitioner in the said occurrence is subject to the investigation and matter of trial. Considering the aforesaid factual position, without going on the merits of the case, anticipatory bail filed by petitioner is allowed. In case petitioner is arrested, he be released on bail to the satisfaction of Arresting Officer/Investigating Officer subject to the condition that petitioner will join investigation as and when required. He will not tamper with or interfere with the investigation and will not leave the country without prior permission as provided under Section 438 (2) Cr.P.C.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

16.10.2024

snd

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No