



In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-36767-2024 (O&M)
Date of Decision:- 20.08.2024

Avtar Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sangram Singh Saron, Advocate, for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab,
assisted by Inspector Raman Kumar.

Mr. Nitesh Jhaghria, Advocate, for the complainant.

FIR NO.	DATE	POLICE STATION	OFFENCES
128	17.09.2023	Khuian Sarawar, Fazilka	307, 506, 34 of Indian Penal Code, 1860 and Sections 25 and 27 of Arms Act, 1959

GURVINDER SINGH GILL, J.

1. The instant petition has been filed on behalf of the petitioner seeking grant of anticipatory bail in respect of aforementioned FIR.



2. The FIR was lodged at the instance of Jagpal Singh wherein it is alleged that he had lent an amount of Rs.80,000/- to Avtar Singh about 7/8 months back and that on 17.9.2023, he made a phone call to Avtar Singh around 12:00 noon asking him to return the amount and upon which Avtar Singh asked the complainant to come to his farmhouse. The complainant along with Roshan went to Avtar Singh's farmhouse where they found Avtar Singh armed with 'pistol', Nirvair Singh armed with 'pistol' and Amrit Singh who was carrying a 12 bore double barrel gun. When the complainant asked Avtar Singh to return the amount, he and Nirvair Singh started arguing with him and started abusing him. The said arguments continued for a while. When the complainant turned to go back, Avtar Singh fired 2 shots at him with his pistol with an intention to kill him and that while the first shot hit on the right knee the second shot hit him on left thigh. Thereafter Avtar Singh, Amrit Singh and Buta Singh gave beatings to him. Nirvair Singh gave beatings to Roshan. It is alleged that Avtar Singh in connivance with Amrit and Buta Singh tied him and put their legs around his neck and gave beatings to him and thereafter took him away at a distance and during the said time Avtar Singh kept on threatening him with his 'pistol'. When Roshan's father came to know about the same, then he as well as complainant's paternal uncle Kulwant Singh, complainant's brother Gurpal Singh and Amritpal Singh came to the spot and rescued them from the clutches of the said assailants.



3. Status report by way of affidavit of Mr. Arun Mundan, Deputy Superintendent of Police, Sub-Division Abohar, District Fazilka has been filed. The same is taken on record. A copy of the same has been furnished to learned counsel opposite.
4. Learned counsel for the petitioner submitted that he has falsely been implicated in the present case and that as a matter of fact the complainant himself is involved in several cases. Learned counsel submits that admittedly the occurrence had taken place in the house of the petitioner Avtar Singh which would necessarily indicate that it is the complainant who had raised the quarrel by coming to his house and had entered into a fight and that the petitioner had merely acted in his self-defence.
5. Learned counsel presses into service judgment of Hon'ble Apex Court rendered in Sushila Aggarwal Vs. State (in City of Delhi), 2020(5) SCC 1 and also order dated 01.03.2024 passed by Hon'ble Apex Court in Special Leave Petition (Crl.) No.9949 of 2023 titled as Ashok Kumar Vs. State of Union Territory Chandigarh to contend that it is not in every case that custodial interrogation would be justified.
6. Opposing the petition, learned State counsel assisted by learned counsel for the complainant submitted that having regard to the serious nature of allegations wherein the petitioner has inflicted fire arm injuries to the complainant, no case for grant of bail is made out. Learned State counsel further submitted that the occurrence came to



be captured in the CCTV camera installed in the house of the petitioner himself and wherein the petitioner who is wearing a yellow coloured *parna* (clothe tied around head) can be clearly seen firing from his pistol at the complainant though it is not a case that the petitioner and co-accused were outnumbered by complainant and his companions or that the complainants were armed with any deadly weapon so as to justify using of fire-arm by the petitioner. Learned State counsel has in fact shown the said video through the mobile phone of the Investigating Officer/Police officer present in the Court which does show that a person wearing yellow coloured *parna* has fired from his pistol. The complainant was got medically examined, as per which he had sustained gun-shot injuries.

7. This Court has considered the rival submissions addressed before this Court.
8. This Court does find that the allegations as levelled in the FIR are *prima facie* substantiated from the medical evidence and also from the CCTV footage.
9. As regards the judgments pressed into service by learned counsel for the petitioner, a perusal of the same would show that no such absolute proposition of law had been laid therein that even in cases of serious nature, anticipatory bail should be granted. Rather the instant case is a case wherein direct allegations have been levelled against the petitioner and whose involvement is borne out from the CCTV



footage and also is substantiated from the medical record. Under these circumstances this Court does not find any special case for grant of anticipatory bail.

10. Finding no merit in the instant petition and the same is hereby dismissed.

20.08.2024

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No