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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37289-2024

Date of Decision:- 03.09.2024

Bharat Bhushan

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

* * * *

AMARJOT BHATTI, J.

Petitioner – Bharat Bhushan has filed instant petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No. 23 dated 04.03.2020, under Sections 307, 323, 148, 149 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959, registered at Police Station Cantt. Ferozepur, District Ferozepur, Punjab (Annexure P-1).

2. As per the facts of case, Rohit gave his statement that on 03.03.2020, at about 8.30 pm, he along with his brother Paras, mother and uncle Raman was sitting in the courtyard. Main gate of their house was open and bulb was on. He saw Yonty armed with revolver, Sundar armed with revolver, Kaku, Shubham armed with revolver, Monty armed with



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revolver and Karni armed with kappa, who entered his house by raising *lalkara*. Yonty fired from his revolver towards him which hit on his index finger of left hand. Thereafter, complainant alongwith his family went inside the room. Thereafter, Yonty, Sundar, Kaku, Monty and Shubham kept on firing. His cousin Aman witnessed the entire occurrence. Ultimately, they left the spot with their respective weapons. He (complainant) was taken to Civil Hospital, Ferozepur for treatment.

3. Learned counsel for petitioner argued that he is falsely implicated in this case. He is never known by name Sundar. FIR was registered in March, 2020 and now he is apprehending his arrest. No offence under Section 307 IPC is made out nor any injury has been declared dangerous to life. His anticipatory bail was declined by learned Additional Sessions Judge, Ferozepur vide order dated 22.07.2024, Annexure P-2. He is ready to join the investigation and abide by the terms of bail order. Therefore, his anticipatory bail petition may be allowed.

4. Status report filed and same is taken on record. It is pointed out that present petitioner Bharat Bhushan is also known by name Sundar. Investigation was completed and challan was presented on 15.12.2022 qua Monty alias Sahil. During this period, other accused Shubham @ Mishri was also arrested on 12.08.2024 and is in judicial custody. Efforts are being made to arrest other accused persons. To establish the identity of present petitioner, statements have been recorded. Copy of application and common statement are Annexures R-1/T and Annexure R-2/T. Present petitioner with common intention with other accused entered the house of



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complainant and committed heinous crime. However, during the course of arguments, learned counsel representing State of Punjab stated that no recovery is to be effected from present petitioner.

5. I have considered the arguments and have gone through the record. FIR was registered on 04.03.2020 and regarding accused who are apprehended, challan has been presented. Present petitioner denied that he is known by name Sundar. As per common statement recorded by Investigating Agency, it is alleged that Bharat Bhushan is also known by name Sundar. He is ready to join the investigation and face trial. Firearm injury received by complainant is allegedly attributed to other co-accused Yonty.

6. Considering the aforesaid facts and circumstances of case, anticipatory bail petition filed by petitioner – Bharat Bhushan is allowed. He be not arrested. In case of his arrest, he be released on bail to the satisfaction of Arresting/Investigating Officer concerned, subject to condition that petitioner will join investigation as and when required. He will not tamper with or interfere with investigation and will not leave country without prior permission as provided under Section 438(2) Cr.P.C.

7. Petition is accordingly accepted.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

03.09.2024

lalit

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No