

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-44071-2024

Date of Decision : **November 14, 2024**

ANIL KUMAR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms.Rajni Gupta , Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

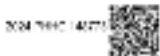
KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C., the petitioner prays for grant of regular bail in case FIR No.250 dated 29.8.2023, Under Sections 307, 353, 186 IPC and under Section 25/27 of the Arms Act, registered at Police Station Zirakpur, District SAS Nagar, Mohali.
2. The instant FIR has been registered on a statement made by SI Amandeep Verma, wherein, he alleged that he received a secret information regarding the present petitioner and other co-accused, coming from Chatt Light point, towards Dhillon Plaza to commit some crime and thereupon, in order to catch the accused persons, the complainant alongwith other police officials, tried to arrest the present petitioner and the other co-accused upon which the present petitioner took out his pistol from his pocket and fired two shots with intention to kill the police party and thereupon, the police party

also fired one aerial shot to get hold the accused and to protect themselves. Thereafter on exhortation made the Deputy Superintendent of Police, Anil Kumar Bishnoi while surrendering himself to the police, shot himself with his own pistol on his right foot and subsequently he was arrested with .30 bore pistol.

3. Learned counsel for the petitioner in the asking for the relief (supra), submits that the petitioner suffered gun shot injury at the hands of the police party and in order to save themselves, he has been falsely implicated in the instant case. He further submits that even as per the allegations, as alleged in the instant FIR, no police official, or any other person has suffered any injury at the behest of the present petitioner, or other co-accused. He also submits that the petitioner has suffered incarceration of about 1 year and 6 days as on today and except the secret information, there is no other incriminating evidence available with the prosecution to connect the present petitioner with the alleged notorious gangster. Finally, he submits that the trial is yet to begin, whereas the petitioner has suffered incarceration of about 1 year during the trial.

4. The learned State counsel has vociferously opposed the grant of regular bail to the petitioner and submits that the petitioner was working at the behest of a notorious gangster and was arrested with illegal weapons by the police party. He also at the time of arrest opened fired upon the police officials, however, he fairly admits that no one has suffered any injury, whereas the petitioner himself has suffered gun shot injury on his leg. The learned State counsel informs this Court on instructions imparted to him by the official concerned that final report has already been filed way back on



27.10.2023, whereas, but charges are yet to be framed and the prosecution has cited total 16 witnesses in the final report, however, no witness has been examined so far.

5. This Court has considered the rival submissions made by the learned counsel for the parties concerned.

6. As on date, there is nothing on record to substantiate that the petitioner was part of organized crime syndicate. Though the petitioner is stated to be involved in three other cases and out of those three cases, one case is under the Prisons Act and the second is under NDPS Act and the third one is registered under Section 307 IPC. It is the petitioner, who has suffered gun shot injury and not the police officials, or any other person at the hands of the present petitioner.

7. Considering the day of incarceration suffered by the petitioner, the nature of allegations and the fact that the petitioner has himself suffered gun shot injury, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

8. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

November 14, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No