



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41321-2024
Date of Decision:03.09.2024

Gursharan Singh ...Petitioner
vs.
State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr.Amaninder Singh Sekhon, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to him in case FIR No.38 dated 24.06.2024 under Sections 307,148,149 of IPC and Section 25/27/54/59 of Arms Act, registered at Police Station Sadiq, Tehsil and District Faridkot (Annexure P-1).
2. Learned counsel for the petitioner contends that even though the petitioner has been named as one of the assailants in the FIR, but he was not armed with any weapon and no specific role was attributed to him. Learned counsel further contends that it is a case of version and cross-version and the question of aggressor is yet to be decided by the Trial Court, after both the parties will lead their respective evidence. Learned counsel further contends that as per the version of the complainant, Talwinder Singh co-accused had fired a shot from the revolver, which he was allegedly carrying

with himself and Talwinder Singh has been arrested by the police in the present case. He further contends that even the injury, which is attributed to Talwinder Singh was suffered by the injured on his right shoulder i.e. non-vital part of the body. Learned counsel further contends that in the present case, no recovery is to be effected from the petitioner and the petitioner is ready to join the investigation in the present case.

3. On the other hand learned State counsel has vehemently opposed the submissions made by the petitioner on the ground that the petitioner was also a member of the unlawful assembly, which had fired a shot by using an illegal weapon. He further contends that the cross version, which was got recorded by the petitioner's side, has been found to be false during the course of the investigation and the present petition is liable to be dismissed by this Court.

4. I have heard learned counsel for the parties and perused the record.

5. It is not in dispute that initially, a cross version was registered by the police and even though the police has found the cross version to be false, the complainant may still avail his alternative remedy before the Trial Court. Even at the stage of bail, this Court is conscious of the fact that allegations and counter-allegations have been levelled in the present case by both the sides and the authenticity of each version shall be decided by the Trial Court, only during the course of trial. Moreover, in the present case, the petitioner was not armed with any weapon and in the considered opinion of the Court, the custodial interrogation of the petitioner may not be required, at this stage. Further, the main injury which attracted the offence under Section 307 IPC is attributed to Talwinder Singh/non-applicant, who has already been arrested by the police in the present case.

6. Consequently, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Sections 482 (2) of the B.N.S.S. It will be open for the Investigating Officer to call the petitioner to join the investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482 (2) of the B.N.S.S.

03.09.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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