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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M- 50364-2024
Date of Decision:-19.11.2024

SAMRATH KAD ALIAS SAM

... PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ankit Kharbanda, for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 482 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0073	28.05.2024	307, 506 IPC and 25, 27 of Arms Act	Ranjit Avenue, District Amritsar

2. Argument heard.
3. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that this is the case of simple injury and moreover, the same is on



non vital part of the body. He submits that the petitioner is ready to join the investigation and as such, he prays for grant of concession of anticipatory bail to the petitioner.

4. *Per contra* learned State counsel referring to the reply submitted by the State has assailed these arguments by submitting that the petitioner was specifically named in the FIR as the person who had fired shot on the complainant with an intention to kill, which hit on his right knee. He contends that as per CCTV footage of the occurrence, petitioner was holding a pistol in his hand and firing a shot on the complainant. He contends that to recover the weapon used in the crime, custodial interrogation of the petitioner is required. Hence he prays for dismissal of the petition.

5. After considering the arguments and perusing the record, it transpires that as per the case of the prosecution FIR was registered on the statement of complainant Tarun Sabharwal stating that on 22.05.2024, he alongwith his friends Saurav and Vikas were standing outside Blind Tiger Restaurant, Ranjit Avenue, Amritsar, at about 10:15 PM present petitioner Samrath Kad @ Sam came there and started provocative words and during arguments petitioner took out pistol and fired shot on the complainant and his friends which hit the complainant on his right knee, on raising alarm, petitioner ran away from the spot extending threats to kill them. As per State reply in CCTV footage of the occurrence, petitioner was allegedly holding a pistol in his hand firing shot on the complainant and the weapon of the occurrence is yet to be recovered. Moreover, petitioner is also involved in



the another FIR No. 34 dated 01.04.2024, under Sections 341,323, 427, 506, 148, 149, Police Station Ranjit Avenue. Therefore, considering the nature and gravity of offence and also the fact that custodial interrogation of the petitioner is required to recover the weapon used in the occurrence, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

19.11.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |