

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-62339-2023
Date of decision: 13.02.2024

Surinder Kumar ChaudharyPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

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

Mr. Ankit Grewal, DAG, Punjab.

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SANJIV BERRY, J. (ORAL)

1. Status report dated 13.02.2024, filed in the form of affidavit of Assistant Commissioner of Police, West Amritsar City, on behalf of State-respondent, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
200	17.11.2023	307, 148, 149 IPC and 25, 27 of the Arms Act	Cantonment, Amritsar City, District Amritsar

3. Learned counsel for the petitioner submits that in compliance to the order dated 12.12.2023, the petitioner has joined the investigation.

4. During the course of hearing on 12.12.2023, following order had been passed: -

‘Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.200 dated 17.11.2023, under Sections 307, 148, 149 IPC and Sections 25 & 27 of Arms Act, registered at Police Station Cantonment, Amritsar City, District Amritsar.

As per prosecution version given in the FIR, the complainant is an independent candidate contesting for the post of Councilor from Ward No.65 and on 17.11.2023; he was getting the sewerage system cleaned at Gali No.3, Azad Nagar with the aid of bucket machine; at about 12.30 PM, the petitioner along with his son Pawan Kumar and co-accused Sonu Bedi arrived at the spot and halted the workers of corporation from doing their work that led to an altercation with the complainant. It is further alleged that the petitioner called for co-accused Harman Hundal who arrived at the spot along with 06/07 unidentified persons. They started beating the complainant and his associates and a scuffle ensued, upon which the employees of the corporation fled away from the spot. It is further alleged that co-accused Pawan Kumar raised a lalkara and exhorted co-accused Harman Hundal, who fired upon the brother of the complainant namely Aman Kumar @ Rinku with an intention to kill him. He fired two shots from his revolver aiming at Aman Kumar and one of the firearm shots hit Aman Kumar on his groin area injuring him seriously, after which all the accused along with their respective weapons fled away from the spot.

Learned counsel for the petitioner has argued that petitioner is an old man of 70 years. As per MLR of the

aforesaid Aman Kumar, there is no fire arm injury stated therein. He would refer to CT-scan report dated 17.11.2023 (Annexure P-5) whereby it is categorically mentioned that no pelvic hematoma is seen and soft tissues of inguinal regions of upper thigh are normal. It is further submitted that the petitioner is a political rival of the complainant and it is on account of the same he has been targeted. It is further submitted that the occurrence has also been recorded on CCTV footage, which goes to show that the complainant and his associates were hitting the petitioner with brick bats and on being cornered, he fired in self defence in the air and on the ground. Immediately thereafter he went to the police station and surrendered his weapon. The complainant party is in fact the aggressor party. The petitioner is ready to join investigation and cooperate with the investigating agency.

Notice of motion.

Mr. G.S. Sidhu, AAG, Punjab, accepts notice on behalf of the respondent-State and waives service. Learned State counsel on instructions from ASI Prem Singh, submits that the investigation is pending against the petitioner and as many as 17 FIRs have been registered against him. However, he is not in a position to dispute the medical record and seeks time to file reply/status report.

Mr. L.M. Gulati, Advocate, puts in appearance on behalf of the complainant and has filed his memo of appearance, which is taken on record. He undertakes to file his power of attorney in the registry by the next date of hearing.

List on 13.02.2024.

In the meanwhile, petitioner shall join the investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to

interim bail on furnishing personal bond and surety to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C’

5. Learned State counsel on instructions, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.
6. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 12.12.2023 passed by this Court, interim bail granted vide order dated 12.12.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.
7. The petition stands allowed.
8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

13.02.2024
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(SANJIV BERRY)
JUDGE

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