

227

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-29-2025
Date of Decision:-13.01.2025

KASHISH

... PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ashish Pal Kaushal, Advocate for the Petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed status report by way of affidavit dated 12.01.2025 of the Deputy Superintendent of Police Sub Division, Kharar-1, SAS Nagar (Mohali), the same is taken on record, copy thereof has been supplied to the counsel opposite.

2. Mr. Anurag Deep Singh, Advocate has put in appearance on behalf of complainant and filed Power of Attorney, the same is taken on record.

3. By way of the present petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) by the petitioner praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
365	24.10.2024	109, 115(2), 351(3), 324(4), 191(3), 190 of BNS 2023 and 25 of Arms Act	City Kharar, District SAS Nagar

4. Argument heard.

5. 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 petitioner was not named in the FIR but his name surfaced in the supplementary statement dated 25.10.2024 of the complainant. He contends that the allegations levelled against the petitioner are of having fired gun shot but the same did not hit any person, as such he prays for grant of concession of anticipatory bail to the petitioner.

6. On the other hand, learned State counsel assisted by learned counsel for the complainant, referring to the reply submitted by the State have strongly opposed the bail petition of the petitioner by arguing that petitioner and other co-accused had allegedly beaten the complainant and his workers, had fired gun shots at the place of occurrence. They submit that the car and weapon used in the occurrence are yet to be recovered from the petitioner for which custodial interrogation of the petitioner is required, as such, he prays for dismissal of the present petition.

7. After considering the arguments and perusing the record, it transpires that the present FIR was registered against petitioner and co-accused on the allegations that on 24.10.2024 on receipt of information the complainant rushed to the spot in his car and found his worker Partichit and Nitesh were being beaten by 3-4 unknown persons while two girls were using abusive language and when the complainant tried to rescue them, those persons left in their white colour car without registration and while leaving the spot they repeatedly rammed their car head-on in the swift car of the petitioner. It is alleged that after some time the aforesaid persons again

came to the spot with 3-4 cars along with more persons with the intent to kill complainant and workers and started firing from their weapons but the complainant and his workers were saved. On these allegations FIR was registered. The petitioner is specifically named in the supplementary statement of the complainant.

8. It is evident that as per the reply submitted by the State, there are specific allegations against the petitioner of having fired on the spot with an intent to kill the complainant and his workers. Three live cartridges and three empty shells were recovered from the spot which corroborate this fact. The recovery of weapons used by the petitioner and also the car used in occurrence is yet to be effected for which custodial interrogation of the petitioner is required. Therefore, considering the serious nature and gravity of offence, and also the fact that material recovery is yet to be effected, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

13.01.2025

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