

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

**CRM-M-50111-2024
Date of decision: 27.01.2025**

Surjit SinghPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Pardeep K. Kapila, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

Mr. Amandeep Singh Punia, Advocate,
for Mr. Nakul Sharma, Advocate,
for the complainant.

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SANJIV BERRY, J. (ORAL)

1. By way of present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

| FIR No. | Dated | Sections | Police Station |
|----------------|--------------|--|--|
| 46 | 09.06.2024 | 307, 324, 323, 341, 379-B, 148/149 IPC 25 and 27 of the Arms Act (379-B IPC deleted and 379-B(2), 326 and 325 IPC added vide rapat No. 19 dated 06.08.2024 | Mallanwala, District Ferozepur, Punjab |

2. 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 the petitioner is not named in the FIR but has been nominated on the statement of one Bhupinder Singh. He contends that no specific *overt act* is attributed to the petitioner and has not participated in the crime, as has been alleged, as such, prays for grant of anticipatory bail.

4. *Per contra*, learned State counsel referring to the reply submitted by the State, has submitted that the petitioner although not originally named in the FIR but has been found to be actively participating in the crime, wherein, he had fired from his .315 bore rifle towards the complainant with the intent to kill him. He submits that as per the CCTV footage, petitioner is seen armed with the rifle and the custodial interrogation of the petitioner is required to recover the weapon. Hence, the petitioner is not entitled to concession of anticipatory bail.

5. After considering the rival contentions and perusing the submissions, it is observed that instant FIR was registered at the instance of Sukhjinder Singh, who is the complainant, on the allegation that on 09.06.2024, at about 9.00 AM, while he was ploughing the land, then Lakhwinder Singh, Kulwinder Singh, Balwinder Singh, Sohan Singh, Karanvir Singh, came there and started hurling abuses. Lakhwinder Singh tried to intervene and all the aforesaid persons left the spot. Thereafter, while the complainant was returning to his house,

then Kulwinder Singh, Balwinder Singh along with Gurmit Singh armed with .315 bore rifle; Sohan Singh and Karanvir Singh along with 7-8 unidentified persons came there in two cars and stopped him at which the nephew fired towards the complainant with his revolver while another unidentified persons having .315 bore rifle also fired. The assailants gave multiple injures to the complainant hitting him on his head and various parts of the body. On the basis of the same, FIR was registered. Subsequently, the police arrested Kulwinder Singh and during interrogation, he suffered disclosure statement naming the present petitioner as the person who had fired from his .315 bore rifle. Besides this, a *CCTV* footage is also taken on record by the police wherein the petitioner is found armed with .315 bore rifle at the spot. The petitioner is not having any clean antecedents and has already 09 criminal cases registered against him, therefore considering all these facts and circumstances and also the fact that as the petitioner has fired from his rifle towards the complainant with the intent to kill him and the *CCTV* footage affirms the factum of the petitioner carrying .315 bore rifle with him at the spot, no case is made out in favour of the petitioner for grant of anticipatory bail as his custodial interrogation is required in this case.

6. Consequently, finding no merits in this petition the same is dismissed.

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7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

27.01.2025
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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |