



207.

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

CRM-M-36088-2024 (O&M)

Date of decision: 11.03.2025

Daler Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Prince Sharma, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-44253-2024

Prayer in this application is for adding Section 201 of IPC in the headnote as well as prayer clause of the petition.

For the reasons mentioned in the application, same is allowed and Section 201 of IPC is ordered to be added in the headnote as well as prayer clause of the petition.

Registry to do the needful.

CRM-M-36088-2024

Prayer in this petition filed, under Section 438 of Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.105, dated 28.09.2023, under Sections 307, 452, 148, 149 of IPC and Sections 25/27 of Arms Act (Section 201 IPC added lateron), registered at Police Station Khalra, Tehsil Patti, District Tarn Taran.



Learned counsel for the petitioner contends that the allegations levelled against the petitioner that he along with co accused, forcibly entered the house of the complainant while armed with weapons, used abusive language, issued threats, and subsequently inflicted injury on the nephew of the complainant, Rinku, are false and fabricated. It is submitted that the petitioner had no motive to cause injury to Rinku and that, despite multiple alleged assailants, it is unbelievable that said Rinku sustained only a single injury. Additionally, it is argued that the co accused have already been granted bail, and therefore, the petitioner deserves similar relief.

Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite and has reiterated the allegations levelled against the petitioner in the FIR in question which has been annexed as an Annexure P-2. It has been further submitted by the learned State counsel, on instructions, that a perusal of the FIR clearly reveals that the petitioner has not only been named but there is a specific attribution qua him. Furthermore, the allegations levelled in the FIR find due corroboration with the medical evidence on record. Hence, the present petition deserves to be dismissed as the custodial interrogation of the petitioner is required.

I have heard learned counsel for the parties and perused the material placed on record.

A perusal of the FIR (Annexure P-2) reveals that on 27.09.2023 at about 06.30 PM, the petitioner along with the co-accused entered the house of the complainant while armed with lethal weapons. The petitioner, who has



been specifically named in the FIR, was allegedly carrying a firearm and without any provocation, fired at Rinku, causing a firearm injury to his thigh. The co-accused also discharged their firearms, which resulted in damage to the property of the complainant, including the bursting of a water storage tank on the roof. The injury sustained by Rinku is directly attributed to the petitioner and cannot be considered self-inflicted. Moreover, as per instructions received by the learned State counsel, the MLR of Rinku corroborates the allegations levelled in the FIR against the petitioner.

Given the gravity of the allegations, the nature of the offence, and the direct role attributed to the petitioner, no ground is made out for extending the extraordinary concession of anticipatory bail to the petitioner.

Mere parity with co-accused is not a sufficient ground for extending the concession of anticipatory bail, particularly when the petitioner is attributed with a specific and serious overt act.

Present petition stands dismissed accordingly.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

March 11, 2025
sanjeev

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