

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-14988 of 2015 (O&M)
Date of Decision: 15.5.2015

Amarjit Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. B.S. Jaswal, Advocate for the petitioner.

Mr. Nikhil K. Chopra, D.A.G., Punjab

TEJINDER SINGH DHINDSA.J

This order shall dispose of instant petition filed under Section 439 Cr.P.C praying for grant of regular bail to the petitioner in case F.I.R. No.39 dated 12.6.2012 under Sections 302, 307, 148, 149, 120-B I.P.C and sections 25, 27, 54, 59 of Arms Act registered at Police Station, Purana Shalla, District Gurdaspur.

Learned counsel for the parties have been heard.

F.I.R in question was registered on the statement of Joga Singh, who had alleged that on 12.6.2012 he along with his brother Bhupender Singh, father Surender Singh, cousin brother Bikram Singh as also Onkar Singh were standing at the shops near the school when suddenly two cars came and from which Taranjot Singh @ Dhanna armed with pistol, Harjot Singh @ Jot armed with 12 bore gun, Harpreet @ Happy son of Amarjit Singh armed with 12 bore gun, Virender Singh son of Jagir Singh armed with pistol residents of Lakhanpal and certain unknown persons alighted and whereupon afore-noticed Taranjot Singh @ Dhanna, Harjot Singh @ Jot, Harpreet Singh and Virender Singh fired from their respective fire arms.

Onkar Singh, Surender Singh, Bhupender Singh and Bikram Singh are

stated to have suffered injuries. Onkar Singh is stated to have succumbed on account of the fire arm injury suffered by him.

It has gone uncontroverted that investigation having been completed, challan was presented in September, 2012 in which the present petitioner was not even nominated as an accused. Subsequently, a supplementary challan has been presented on 23.7.2013 in which the present petitioner has been implicated with the aid of section 120-B I.P.C as he was stated to be father of Harpreet @ Happy i.e. co-accused, who was allegedly armed with a 12 bore gun and who had even opened fire.

The petitioner has been in custody since 18.2.2013.

Learned State counsel has also apprised the Court that till date even the charges have not been framed.

Keeping in view the fact that even as per complainant's version, no attribution of any fire arm shot to the petitioner has been made and coupled with the length of incarceration already suffered by him, the petitioner is held entitled to the concession of bail.

Petition, accordingly, is allowed.

Petitioner be enlarged on bail subject to satisfaction of C.J.M.,
Gurdaspur.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

May 15, 2015
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