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CRM-M-16338-2015

KULWANT SINGH V/S STATE OF PUNJAB

Present: Mr. C.S. Bakshi, Advocate
for the petitioner.

Mr. Arshdeep S. Kler, DAG, Punjab.

Petitioner seeks regular bail in FIR No.43 dated 15.03.2013, under Section 302, 307, 148, 149 IPC and under Section 25, 27, 54, 59 of the Arms Act, Police Station, Bhikhiwind, District Taran Taran.

There were two factions in the village. There was a meeting in Gurdwara which was convened by faction belonging to Dilbag Singh, Sarpanch. After the meeting when the persons belonging to party of Dilbag Singh, Sarpanch, were returning to the house of Dilbag Singh, Sarpanch, the occurrence took place. Petitioner is alleged to have fired a shot from a double barrel gun at Birpal Singh hitting him on the left bicep, left shoulder, neck, ankle and part of forehead. In the occurrence father of the complainant namely Guravtar Singh and Dharambir Singh died. Learned counsel for the petitioner states that petitioner has not inflicted any injury to the deceased nor his weapon was used in the occurrence. Precisely, on the submissions made by learned counsel, this Court passed order dated 26.05.2015 in the following manner:-

“Learned counsel for the petitioner states that the petitioner has not inflicted any injury on the person of Guravtar Singh nor his weapon was used in this occurrence. Reliance is being placed

upon FSL report dated 13.11.2013. According to learned counsel, the only part attributed to the petitioner is that he fired upon Veerpal Singh son of Fatehjang Singh and the pellets hit the injured on left bicep, left shoulder and left side of his neck.

Let a specific affidavit be filed by the Investigating Officer with regard to user of the gun in question and also the MLR of Veerpal Singh on record before the adjourned date.

Adjourned to 06.07.2015.”

Reply has been filed by way of affidavit of Jaspal Singh, SHO, Police Station, Bhikwind. The report of FSL reveals that only DBBL gun bearing No.13504/2009 has been used. In respect of gun No.23082 belonging to the petitioner, there is no report confirming its user upon the complainant party.

The case is at the stage of evidence. One PW has been examined out of total 34 witnesses. The trial Court may take some time for its ultimate culmination. Without embarking upon merits of this case, at this stage, petitioner is directed to be released on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

Nothing expressed hereinabove would be construed an opinion on the merits of the case.

**(RAJ MOHAN SINGH)
JUDGE**

July 06, 2015
SwarnjitS