

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

Criminal Misc.No.M-27465 of 2015

Date of Decision: August 24, 2015

Santokh Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Surinder Thakur, Advocate,
for the petitioner.

Mr.K.S.Pannu,DAG, Punjab.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Santokh Singh, who has been booked for having committed the offences punishable under Sections 307 and 427, IPC, Section 27 of the Arms Act and Section 3 of the Prevention of Damage to Public Property Act, 1984, in a case arising out of FIR No.72, dated 26.04.2015, registered at Police Station, Garhshankar, District Hoshiarpur.

Learned counsel contends that on account of payment of the charges at a *dhaba*, the scuffle had taken place in which the trigger of the rifle was pressed and the bullet hit the palm of left hand of the injured, Kishan Lal. The intention to commit the murder of Kishan Lal is conspicuously missing from the case and after healing of the injury, Kishan Lal has been discharged from the hospital. He further points out that the charge-sheet (report

under Section 173, Cr.P.C.) has already been presented before learned Area Judicial Magistrate and the case has been committed to the Court of Session. The case before learned trial court is fixed for consideration of the charges.

Learned counsel for the State very fairly concedes that the rifle has already been recovered and after completion of the investigation, the charge-sheet (report under Section 173, Cr.P.C.) has been presented.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

Applicability of Section 307, IPC, would be a moot point during trial. The rifle used at the time of occurrence has already been recovered. The charge-sheet (report under Section 173, Cr.P.C.) has also been presented before the Court below. The petitioner being a member of home guard, Punjab, is unlikely to run away from the trial.

In view of the above, the present petition is allowed. Petitioner-Santokh Singh, s/o Gurcharan Singh @ Gurcharan Dass, r/o village Kaulgarh, P.S. Balachaur, District S.B.S Nagar (Nawanshahar), Punjab, is directed to be released on bail during the pendency of the present case subject to his furnishing bail bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Hoshiarpur.

August 24, 2015
seema

(Naresh Kumar Sanghi)
Judge