

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-30465 of 2015 (O&M)
Date of Decision: 10.11.2015.

Punjab Singh --Petitioner

Versus

State of Punjab --Respondent

2. CRM No. M-29784 of 2015 (O&M)

Inderjit Singh --Petitioner

Versus

State of Punjab --Respondent

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

Present:- Mr. Vivek K. Thakur, Advocate and
Mr. Ajay Pal Singh Rehan, Advocate for the petitioner(s).

Mr. Anant Kataria, DAG, Punjab.

Mr. V.K. Kaushal, Advocate for
Mr. Naveen Batra, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of CRM No.M-30465 of 2015 titled as Punjab Singh v. State of Punjab and CRM No.M-29784 of 2015 titled as Inderjit Singh v. State of Punjab as both these petitions have been filed under Section 439 Cr.P.C. seeking the concession of regular bail pending trial in case FIR No.44 dated 24.05.2015, under Sections 307/452/506/148/149 IPC Sections 25/27 of the Arms Act, registered at Police Station Haryana, District Hoshiarpur.

Counsel for the parties have been heard at length.

FIR was registered on the statement of S. Kishan Singh S/o

Shankar Singh. The incident is stated to be on 23.05.2015 in the late hours. Allegations are that when the complainant had proceeded to open the gate of his house at 10:05 P.M., a black coloured car bearing registration No. PB-07-AM-4060 was found present and in which Lucky, Pinda and three other un-identified persons were present. As per initial statement of the complainant, Lucky with an intention to kill had fired a shot and to save himself the complainant had ducked and thereafter had gone inside his house.

It has gone uncontroverted that after completion of investigation, the challan was presented on 23.07.2015 and thereafter even a supplementary challan has been filed on 17.09.2015.

Insofar as Punjab Singh i.e. petitioner in CRM No.M-30465 of 2015 and Inderjit Singh i.e. petitioner in CRM No.M-29784 of 2015, they have been sought to be implicated in pursuance to a supplementary statement suffered thereafter by the complainant. As per the initial statement, the shot was fired by Lucky, who has since been arrested.

It is a case of no injury.

Punjab Singh has been in custody since 20.07.2015 and Inderjit Singh has been in custody since 24.05.2015. Even though, it has been contended by the learned State counsel that Inderjit Singh i.e. petitioner in CRM No.M-29784 of 2015 was arrested on the spot and even a fire arm had been recovered from him, it has been conceded that as per the initial statement of the complainant, Inderjit Singh has not even been named and neither any fire arm belong to Inderjit Singh.

The trial is still at the initial stage, in as much as, after framing of charges, only one prosecution witness has been examined till date.

In the totality of circumstances and without making any comments on the merits of the case, petitions are allowed. Petitioners be enlarged on bail subject to the satisfaction of the trial Court/Duty Magistrate, Hoshiarpur.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

10.11.2015
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