

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

**Criminal Misc.No.M-37898 of 2014
Date of Decision: January 30, 2015**

Jatinder Singh alias Raju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Ashish Aggarwal, Advocate,
for the petitioner.

Mr.Shilesh Gupta, Addl.AG, Punjab.

Mr.Veneet Sharma, Advocate,
for the complainant.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner, Jatinder Singh @ Raju, who has been booked for having committed the offences punishable under Sections 148, 307, 323, 341 and 506 read with Section 149, IPC, and Section 25 of the Arms Act, in a case arising out of FIR No.274, dated 19.10.2013, registered at Police Station, Sultanwind, District Amritsar City.

Learned counsel contends that as per prosecution version, the petitioner had fired shots from his .12 bore double barrel gun and as a result thereof, Harpreet Singh, Sajjan Singh, Gurmeet Singh, Baljit Singh @ Kaka and Jagjiwan Singh @ Bunt

had received the pellets injuries in front of the house of the petitioner; after completion of the investigation, the charge-sheet (report under Section 173, Cr.P.C.) against the petitioner was presented long back and after framing of the charges, even the injured, Harpreet, who allegedly received injury in terms of Section 307, IPC, has been examined as prosecution witness before learned trial court; the petitioner is behind the bars from 01.11.2013 and now an application under Section 319, Cr.P.C., has been moved by the complainant for summoning of the additional accused and as such, the petitioner has to face the denovo trial.

Learned counsel for the State very fairly concedes that the petitioner is behind the bars from 01.11.2013 and on completion of the investigation, the charge-sheet (report under Section 173, Cr.P.C) was presented. Charges were framed and few prosecution witnesses were also examined. He further concedes that an application under Section 319, Cr.P.C., has been moved by the complainant for summoning of the additional accused which is pending adjudication.

Learned counsel for the complainant submits that as many as 32 pellet injuries were received by Harpreet (PW) and he has undergone multiple operations. He is still under treatment. If the petitioner is granted bail, he may put his

influence over the remaining prosecution witnesses. He further submits that Arvinder Singh, father of the petitioner, who had also participated in the present occurrence as an accused, has not been arrested by the police.

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

It is the conceded case of the parties that the injured, Harpreet Singh, who had received injuries in terms of Section 307, IPC, has already been examined before the court below as prosecution witness which shows that he was discharged from the hospital and was quite hale and hearty when appeared before court below. The occurrence had taken place in front of the house of the petitioner and as such, it would be debatable as to which party was aggressor. The petitioner is behind the bars from 01.11.2013. The injured, Harpreet Singh, as well as complainant, Baljit Singh have already been examined before court below. The complainant has moved an application under Section 319, Cr.P.C, for summoning of the additional accused for facing trial along with the petitioner and that trial would take sufficient long time in its final conclusion.

Accordingly, the present petition is allowed.
Petitioner, Jatinder Singh alias Raju s/o Sukhwinder Singh, r/o

Gali No.9, Kot Harnam Dass, Amritsar, is ordered to be released on bail, during pendency of the trial, subject to his furnishing bond in the sum of Rs.2,00,000/- with two sureties in the like amount to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate, Amritsar.

January 30, 2015
seema

(Naresh Kumar Sanghi)
Judge