

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-42319 of 2015

DATE OF DECISION: 22.12.2015

Shanty Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mr. S.S. Majithia, Advocate
for the petitioner.

Mrs. Ritu Punj, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 38 dated 15.5.2013 registered under Sections 302,449,201,148,149,120-B IPC and 25 of Arms Act at Police Station Tapa, District Barnala.

Learned counsel for the petitioner contends that neither the petitioner has been named in the FIR nor any injury has been attributed to him and he has been implicated in this case only on the basis of supplementary statement made by the complainant after four days of the alleged occurrence. As per allegations in the FIR five persons were armed with 12 bore rifles and 4/5 unidentified persons were armed with sticks.

Learned counsel further contends that as per allegations in the FIR, four shots were fired and complainant has specifically stated that upon raising of lalkara, accused-Balwant Singh @ Babbu fired from his 12 bore rifle at the ankle of deceased-Resham Singh and thereafter fired another shot, which hit on his left leg below the knee. Accused-Kulwinder Singh is alleged to have fired third shot from his 12 bore rifle which hit the deceased on his right knee. The fourth shot was fired by Ranjit Singh with his 12 bore rifle, which hit on the right ankle of deceased-Resham Singh. In the initial version, only one innova car was stated to be used in the commission of offence but there is an improved version in the supplementary statement of the complainant. Learned counsel also submits that on the same set of allegations and role, co-accused of the petitioner, namely, Jaspal Singh @ Mohna and Harpal Singh have already been released on regular bail by this Court. The petitioner is in custody since 6.8.2013 and the statement of not even a single witness has been recorded so far after allowing application under Section 319 Cr.P.C.

Learned counsel for the respondent-State has not disputed the custody period and also grant of regular bail to other co-accused as well as stage of the trial.

Heard the arguments advanced by learned counsel for the parties and have also gone through the allegations levelled in the FIR and other documents available on the file.

Keeping in view the submissions made by learned counsel for the petitioner and also the fact that the petitioner is in custody since 6.8.2013; after allowing application under Section 319 Cr.P.C. not even a single witness has been examined and it will be a case of de novo trial and case of the petitioner is at par with co-accused, namely, Jaspal Singh @ Mohna and Harpal Singh, the present petition is allowed. Petitioner,

namely, Shanty Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

December 22, 2015
pooja

(DAYA CHAUDHARY)
JUDGE