

212

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

CRM-M-511-2015

Date of Decision: 24.02.2015

Shamsher Singh @ Billu

....Petitioner

Vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Salil Bali, Advocate,
for the petitioner.

Mr. Satish Saini, DAG, Haryana.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.(Oral)

Learned State counsel on instructions from ASI Jaibhagwan states that in this case complainant has been examined-in-chief but cross-examination has been deferred as prosecution has filed an application under Section 319 Cr.P.C. for summoning more accused. In this case injured is yet to be examined.

As per the allegations levelled in the FIR, on account of dispute of irrigation of land through KHAL (watercourse) of Dalip between Krishan Kumar-complainant and present petitioner Shamsher Singh @ Billu, carrying a gandasi and gave a blow on the

person of Krishan Kumar which hit his hand. Some other blows were also given. In the meanwhile Bunty son of the complainant also came there, then it is alleged that Gaze Singh father of Billu and his brother Surajmal and two other persons asked Billu to fire shot on them. On this Billu took out a pistol from the DUB of his pent and fired at Bunty, which hit the back of Bunty (son of the complainant).

Learned counsel for the petitioner has argued that in this case, the injured was taken to Sapra Hospital, Hisar against which several FIRs have been registered for preparing the fake MLRs.

As per the injury report only one entry wound was found. There was no exit wound. As per the stand of the State only part of the bullet was recovered from the wound and there was no trace of the remaining part of the bullet. There is no MLR of Krishan Kumar on file to show that he had received any injury. As the trial is going to be delayed on account of filing of application 319 Cr.P.C., keeping in view of the fact that present petitioner was arrested on 12.04.2014 and is in custody since then and also keeping in view of the fact that the medical report of private Hospital has been challenged to be fake and therefore, the further detention of the present petitioner is considered unnecessary.

Accordingly, petition is allowed and petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of Rs.50,000/- with one surety of the like amount to the satisfaction of the trial Court subject to the following conditions:-

- (i) that the petitioner will not directly or indirectly contact any witness acquainted with the facts of the case;

(ii)that the petitioner will not give any inducement, threat and promise to any witness;

(iii)that the petitioner will not commit any crime of similar nature and in case it is found that the petitioner has committed any crime of similar nature, then the trial Court is competent to cancel this bail order and cancel the bail;

(iv)that the petitioner will not leave the country without prior permission of Court and will surrender his passport before the trial Court. The same will be returned to the petitioner on conclusion of the trial. In case, there is no passport issued to the petitioner, he shall file his affidavit to this effect.

Petition is accordingly allowed.

February 24, 2015
Ishant

(KULDIP SINGH)
JUDGE