

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

CRM No. M-5802 of 2015 (O&M)

Date of Decision:06.07.2015.

Ninder Singh @ Gurmit Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Vipul Aggarwal, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. Seeking the benefit of regular bail to the petitioner in case FIR No.122 dated 24.10.2014, under Sections 302/148/149 IPC and Section 25 of the Arms Act, registered at Police Station Islamabad, District Amritsar.

Counsel for the parties have been heard.

As per prosecution version, the genesis of the occurrence that allegedly took place on 24.10.2014 was a clash between two Nihang Dal groups, one headed by Baba Sher Singh and another by Baba Major Singh.

FIR was registered on the statement of Amrik Singh, who had stated himself to be a Sewadar in Gurdwara Baba Jivan Singh. Two rival Nihal Dal groups had proceeded to Amritsar to celebrate the festival of Bandi Chhor Divas.

As per complainant, a number of persons were armed with fire weapons and Lallu S/o Sher Singh had fired from a 312 bore rifle and such shot had hit

Bir Singh on the left side of the stomach. Bir Singh is stated to be the

deceased. Insofar as the present petitioner, namely, Ninder Singh @ Gurmit Singh is concerned, the injury attributed is of having given a *barchhi* blow on the left eye of Balkar Singh.

It has gone uncontroverted that PW4, Balkar Singh has not supported the prosecution version and has been declared hostile.

Learned State counsel upon instructions from ASI Harjinder Singh would even concede to the fact that no medical examination of Balkar Singh had been conducted and as such, there is no medical corroboration insofar as the injury attributed to the present petitioner is concerned.

The petitioner has been in custody since 26.10.2014. The trial is still at the initial stage inasmuch as out of 29 prosecution witnesses cited only 8 have been examined till date.

Without making any observations on merits, petitioner is held entitled to the concession of bail.

Petition is allowed. Petitioner, Ninder Singh @ Gurmit Singh be enlarged on bail subject to the satisfaction of trial Court/Duty Magistrate, Amritsar.

Disposed of.

06.07.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**