

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

CRM No. M-8516 of 2015 (O&M)

Date of Decision:06.07.2015.

Dalbir Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Sachin Sharma, 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 307/148/149 IPC (Section 302 IPC added later on) and Section 25/27/54/59 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.

As per post-mortem report produced in Court today of deceased Bir Singh, the cause of death has been opined by the Board of Doctors to be shot as a result of injury No.4 i.e. the gun shot injury suffered by the deceased on the side of the chest.

As per statement of Amrik Singh recorded by Investigating Agency and as per his testimony before the trial Court as PW1 which is on identical terms, it was Lallu S/o Sher Singh, who had fired from his 312 bore rifle and which had hit the deceased on the left side of the chest.

Under such circumstances, offence under Section 302 IPC whether made out against the present petitioner would be a moot question to be considered during the course of trial.

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, Dalbir 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**