

Sr. No.230

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No.M-13432 of 2016
Date of Decision: 24.05.2016

Arashdeep Singh alias Kaka

... Petitioner

Versus

State of Punjab

... Respondent

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

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

Mr. K.D.Sachdeva, Additional A.G.,Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.136 dated 11.05.2015, under Sections 307, 382, 34 of Indian Penal Code and Sections 25/27 of Arms Act, registered at Police Station Patti, District Tarn Taran.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Aanchal Sharma in relation to an occurrence that took place on 11.05.2015.

Complainant stated that she was a Lecturer in Physics in a school at Tarn Taran and as per routine after closure of the school while she was returning back to her residence and had got down from a bus, two assailants on a motorcycle with covered faces accosted her. A purse containing Rs.2000/- cash and one mobile phone make Micromax was snatched. Further allegation was that the person who was pillion rider had shot with a firearm and the bullet hit the complainant on the left side of the

abdomen.

As per prosecution version, on 19.06.2015 during the course of a nakabandi, petitioner was apprehended and a fake pistol was recovered from him and accordingly FIR No. 192 under the provisions of the Arms Act was registered. Petitioner is sought to be implicated even in the present case on the basis of his own disclosure statement suffered before the Investigating Agency in which he has confessed of having robbed Aanchal Sharma complainant along with one Gurmukh Singh. Petitioner is stated to have been arrested in the present case w.e.f. 20.06.2015.

During the course of arguments, it has gone uncontroverted that in a test identification parade having been done, the complainant Aanchal Sharma has identified Gurmukh Singh to be the person pillion riding the motor cycle on the date of occurrence i.e. 11.05.2015.

It would be pertinent to take note that even as per version of the complainant, the firearm injury is attributed to the pillion rider.

Co-accused Gurmukh Singh having evaded the process of law has been declared a proclaimed offender.

However, insofar as the present petitioner is concerned, challan qua him stands presented on 17.09.2015 and even charges have been framed on 28.03.2016.

Counsel appearing for the petitioner also raised the submission that in the entire challan document/final charge-sheet submitted by the Investigating Agency under Section 173 Cr.P.C., there is no opinion of the doctor on the basis of which offence under Section 307 IPC has been cited.

In the totality of the circumstances, without making any observations on merits and keeping in view the length of incarceration

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already suffered, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Tarn Taran.

Disposed of.

24.05.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE