

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-5515 of 2016 (O&M)

Date of Decision: 26.04.2016

Heera Singh Dhillon

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Sanjiv Gupta, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.52 dated 21.7.2015 under section 307 I.P.C read with sections 25, 27, 54, 59 of Arms Act, registered at Police Station, Division No.6, Jalandhar.

Learned counsel for the parties have been heard.

F.I.R came to be registered on the statement of Uday Partap Singh. Complainant stated that he used to visit a gym being run by his friend namely Deepak Mittal and during such visits he had been introduced to the present petitioner namely Heera Singh Dhillon. It is alleged that on 18.7.2015 at about 7.30 P.M complainant had proceeded on the roof of H.D.F.C bank which was above the gym in question and was consuming liquor along with the present petitioner, Deepak Mittal and one Gulab Dass, the petitioner fired with a .32 bore licensed revolver and which hit him in his chest.

Petitioner was arrested on 21.7.2015.

Perusal of the F.I.R would reveal that there is no motive attributed to the petitioner in occurrence. Contention raised by the counsel for petitioner is that the occurrence took place while a few friends were sitting together consuming liquor and on the spur of the moment. Under such circumstances, it is argued that the ingredient of firing with an intent to kill would be missing. It would be a moot point with regard to offence under section 307 I.P.C being made out.

During the course of hearing it has also gone uncontroverted that Gulab Dass who was an eye witness to the occurrence has already been examined before the Trial Court as PW-1 and he has not supported the prosecution version.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Jalandhar.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

26.04.2016
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