

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-8494 of 2016 (O&M)

Date of Decision: 25.04.2016

Ashwani Kumar @ Kali

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. M.S. Basra, 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.13 dated 10.2.2015 under sections 353, 186, 307, 323, 148, 149 I.P.C and sections 25, 27, 54, 59 of Arms Act, registered at Police Station, Sekhwan, District Gurdaspur.

Learned counsel for the parties have been heard.

As per prosecution version, the present petitioner along with other co-accused were alleged to have kidnapped one Jaswinder Singh at gun point. Regarding such incident F.I.R No.7 dated 9.2.2015 under sections 364-A I.P.C and provisions of the Arms Act already stood registered. The genesis of the present F.I.R is that a police party had laid a Naka and upon being signaled to stop, an attempt was made to speed away and the present petitioner is alleged to have fired shots and in which one PHC Ramesh Kumar is stated to have suffered gun shot injuries. The occurrence is stated to be of 10.2.2015.

Petitioner was arrested on 10.3.2015.

Investigation in the case is complete and challan stands presented.

Court has been informed that the trial is at the very initial stage as out of 25 prosecution witnesses only one has been examined till date.

On the last date of hearing i.e. 18.3.2016 State counsel was directed to complete instructions with regard to opinion of the doctor on the gun shot injuries allegedly suffered by PHC Ramesh Kumar in the occurrence and on the basis of which offence under Section 307 I.P.C has been cited.

During the course of hearing today, learned State counsel upon instructions from SI Randhir Singh would concede that there is no specific opinion by any doctor/Board of Doctors on the strength of which offence under Section 307 I.P.C was added. Clearly, no such opinion even forms a part of the final challan document.

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

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.04.2016
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