

218

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

**CRM-M No. 14612 of 2017 (O&M)
Date of Decision: 17.05.2017**

Mandeep Kumar Sharma

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sunil Chadha, Sr. Advocate with
Ms. Swati Verma, Advocate,
for the petitioner.

Mr. Arshdeep S. Kler, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

CRM No. 14789 of 2017:

Prayer is for deletion of the offence under Section 120-B I.P.C. from the head note and prayer clause of the petition.

Learned State counsel admitted that there is no offence in terms of Section 120-B I.P.C. in this case.

In view of above, application is allowed. Necessary corrections be carried out in the head note and prayer clause of the petition.

CRM-M No. 14612 of 2017:

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No. 47, dated 07.04.2016, registered under Sections 302, 506, 148 and 149 I.P.C. and under Section 25 of the Arms Act, at Police Station Dugri, District Ludhiana.

The F.I.R. was registered at the instance of Vikas Kumar with the allegations that his brother Vikrant @ Vicky (since deceased) was a driver of a mini bus of B.C.M. School. On 07.04.2016, at about 4.00 p.m., when the complainant and his brother were returning after parking their vehicles in the street, Gaurav Sharma @ Gauru Bacha and his maternal uncle Vipin Kumar with other associates, namely Gurmeet Singh, Arjan, Micky and two gentlemen and one clean shaven person, came there in a car. They started abusing brother of the complainant on the issue of parking of the vehicle. The assailants were armed with weapons, like pistol, revolver, sticks-base ball, etc. They threw the brother of the complainant on the ground and Gauru Bacha fired two shots on the brother of the

complainant. One of the shots hit him below the neck on the front side and the second shot hit him on the hip joint on left side. Thereafter, seeing the residents of the locality gathering there, the assailants fled away from the spot.

Learned counsel for the petitioner submitted that the petitioner was not named in the F.I.R. On 22.06.2016, alleged supplementary statement of the complainant was recorded. On that very day, statement of Ex-Sarpanch Amarjit Singh was also recorded to the effect that the accused had made an extra judicial confession before him, but thereafter, they did not contact him.

The petitioner was arrested on 07.07.2016.

Learned counsel for the petitioner further submitted that two challans were filed by the prosecution. In the F.I.R., alleged complicity was against four accused, namely Gauru Bacha, Vipin, Arjan and Gurmeet. First challan was presented on 11.07.2016, thereby adding three more accused persons, namely Jatinder, Vishal Sood and the petitioner. Second supplementary challan was submitted on 22.09.2016, thereby adding two more accused persons, namely Ishu Bansal and Vikas. The complicity of the petitioner *viz-a-viz* the alleged supplementary statement of the complainant based on alleged

extra judicial confession of the petitioner before the Ex-Sarpanch Amarjit Singh (which never resulted in production of the petitioner before the police) would be debatable at the time of trial.

The petitioner is in custody since 07.07.2016. Challan has already been presented. Charges are yet to be framed.

In view of the aforesaid, I deem it appropriate to enlarge the petitioner on regular bail.

At this stage, without commenting on merits of the case, petition is allowed. Petitioner is ordered to be enlarged on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 17, 2017

Apurva

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No