

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

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CRM-M No. 286 of 2017 (O&M)

Date of Decision: .13.2.2017

MUKESH KUMAR @ GIKKI

.....Petitioner

Vs

STATE OF Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.113 dated 5.5.2016, registered under Section 302, 307, 148, 149, 120-B IPC at Police Station Sultanwind, District Police Commissionerate, Amritsar.

The FIR was registered at the instance of one Vishal Kumar-complainant, who alleged that Bobby raised *lalkara* and thereafter, he fired a gun shot which hit on the head of his brother Haria @ Rahul. Thereafter, all the assailants with an intention to kill his brother, started firing upon him. After the first instance, Bagga @ Sunny and the complainant went away from the site on their motorcycles and they were chased by the accused party, who again opened fire which hit brother of the

complainant, Bagga and Deepak. Resultantly, they fell down from the motorcycles and shouted for help. According to the material collected by the police, deceased Haria received five injuries on his person. No specific injury is attributed to the petitioner, but the allegations are that the petitioner was also one of the member of the un-lawful assembly, who opened fire on the complainant party.

Learned counsel for the petitioner relied upon an inquiry report conducted by the Assistant Commissioner of Police on the complaint submitted by Neha, wife of the petitioner. In the said inquiry report, it was revealed that the petitioner was not present at the place of occurrence on the strength of CCTV clips produced by the petitioner, rather his presence was shown in his liquor vend. Though, the said report was not made part of the challan as the challan had already been presented in the Court prior thereto, but the petitioner would be at liberty to have a lawful recourse in the context of such inquiry report, if any.

Learned State counsel, on instructions from ASI Joginder Singh, has submitted that the petitioner is also involved in one more case having culpability in terms of Section 307 IPC. Learned counsel for the petitioner refuted the said allegations by saying that the petitioner was found innocent in the said case

At this stage, taking into consideration the orders passed by this Court in cases of co-accused Sukhpal Singh @ Shiva and Aman Kumar @ Mota, prayer for grant of regular bail of the petitioner can be considered.

In view of above, without embarking upon the merits of the case and looking into the fact that the petitioner is in custody since 14.5.2016, petition is allowed. Petitioner is ordered to be enlarged on 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.

(RAJ MOHAN SINGH)
JUDGE

February 13, 2017.

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No