

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CRM-M-33787-2017

Rashpal Singh @ Ladi

..... Petitioner

Versus

State of Punjab

..... Respondent

2. CRM-M-34377-2017

Mandeep Singh @ Kala

..... Petitioner

Versus

State of Punjab

..... Respondent

Date of decision: 07.10.2017

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Gurmeet Singh, Advocate
for the petitioner (in CRM-M-33787-2017).

Mr. Mohit Malik, Advocate
for the petitioner (in CRM-M-34377-2017).

Mr. Randeep S. Khaira, AAG, Punjab.

Ms. Kaavya Jariyal, Advocate for
Mr. BS Jaswal, Advocate for the complainant (in both cases).

RAMENDRA JAIN, J. (ORAL)

1. This order shall dispose of above titled two petitions under Section 439 Cr.P.C., praying for grant of regular bail to the petitioners in case DDR No. 13 dated 13.07.2017 (Annexure P-1), registered under Sections 307, 326-A, 336, 148 and 149 IPC and Section 25 of the Arms Act at Police Station Kamboj, District Amritsar (Rural), in FIR No. 108 dated

13.07.2017 (Annexure P-2), under Sections 307, 326-A, 336, 148 and 149 IPC and Section 25 of the Arms Act, Police Station Kamboj, District Amritsar (Rural).

2. Allegations against Rashpal Singh @ Laddi (petitioner in CRM-M-33787-2017), are that he had poured acid on the complainant-Bikramjit Singh, whereas Mandeep Singh @ Kala (petitioner in CRM-M-34377-2017), fired a shot from his rifle on the car of the complainant party, but the same did not hit anyone.

3. Learned counsel for the petitioners contend that the occurrence took place in front of the dairy of the petitioners where the accused party came with acid and other weapons of offence. In fact, petitioner-Rashpal Singh @ Laddi, lodged aforesaid FIR (Annexure P-2) against complainant-Bikramjit Singh and his 7 (seven) accomplices. However, the police on cross-version of the accused party, lodged the DDR (Annexure P-1) against the petitioners attributing them the aforesaid role. The injury suffered by the complainant was not ever declared grievous or dangerous to life. The pellets of the shot fired by petitioner-Mandeep Singh @ Kala, admittedly, did not hit anyone. Both the petitioners are in judicial custody since last more than 2 months and 25 days i.e. approximately 3 months. Nothing has to be recovered from them. The Investigating Officer is hand-in-glove with the complainant party and, thus, till date has not arrested even a single accused out of the total 8 accused in FIR (Annexure P-1). By now, only one accused has surrendered, whereas petitioner-Rashpal Singh @ Ladi, was arrested by the Investigating Officer from the hospital itself, where he was admitted for treatment, after the occurrence. The allegation of pouring acid upon complainant-Bikramjit Singh by petitioner-Rashpal Singh @ Ladi, is

false, inasmuch as the acid bottles were brought by the accused party and during scuffle, the same spilt over the body of the complainant from his own hand.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant vehemently opposed the prayer made in the petitions.

5. Considering the overall circumstances of the case, but without expressing any opinion on the merits and also that conclusion of the trial may take time, both the above petitions are allowed. Petitioners-Rashpal Singh @ Ladi and Mandeep Singh @ Kala, are ordered to be released on bail pending trial, subject to their furnishing adequate bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate, Amritsar.

October 07, 2017

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No