

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

**CRM-M No.3535 of 2017
Date of Decision: 28.02.2017**

SIMRANJIT SINGHPetitioner

Versus

STATE OF PUNJAB ... Respondents

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

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Deep 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 05.05.2016 registered under Sections 302/307/148/149/120-B IPC and Sections 25/27/54/59 of the Arms Act at Police Station Sultanwind, Amritsar.

Status report by way of affidavit of Prahbjot Singh, PPS, Assistant Commissioner of Police, Amritsar, South, Amritsar on behalf of respondent-State has been filed in the Court today, which is taken on record.

The FIR was registered at the instance of Vishal Kumar with the allegations that on 04.05.2016, there was a marriage ceremony of cousin of the complainant. The complainant had also gone to attend the marriage ceremony along with his brother Haria @ Rahul, Bhagga, Deepak @ Deepu, Karan and other relatives. At about 6:00 PM, when the marriage ceremonies were over, the

complainant along with others left the marriage palace. On one motorcycle, Sunny @ Bhagga, Haria @ Rahul and Deepu were riding and on the other motorcycle which was being driven by the complainant, Vicky and Ajay were sitting as pillion rider. When the complainant party was about to take turn towards Sultanwind Road, than all of sudden, accused Bobby Malhotra, Gaurav @ Kaddu, Shiva, Pawan, Suraj, Arun and Minto met them near cremation ground adjacent to the vegetable market. All the aforesaid persons, were duly armed with pistols and revolvers. Bobby raised a *lalkara* and then fired a shot, which hit on the head of Haria. Thereafter, all the accused with an intention to kill him, fired shots at Haria. Haria received gun shots injuries in his stomach and Deepu received injuries on his arms. Bhagga and the complainant accelerated the speed of their motorcycle and reached Sultanwind Gate. They were again followed by the assailants and were also fired upon. Bhagga and Deepu got injuries and their motorcycle fell down. Thereafter, the assailants fled away from the spot.

Learned counsel for the petitioner by referring to contents of FIR submits that the petitioner was neither named in the FIR, nor any specific role was attributed to him. Statement of Sunny @ Bhagga i.e. one of the injured was also recorded under Section 161 Cr.P.C. According to him, Bobby Malhotra, Gaurav @ Kaddu son of Gicky Khanda, Shiva, Pawan, Suraj, Arun and Saaraj @ Mintu were involved in the incident, where Bobby fired a shot which hit on the

head of Haria. Thereafter all other also fired shots with an intention to kill Haria. Haria also received injuries in the stomach and Deepu received injuries on his right arm and the injured Bhagga received injuries on his left leg. In the concluding part of the statement, name of petitioner Baba Bullar @ Kaka son of Sulakhan Singh appeared who was also shown present with other assailants who had fired upon the complainant party. Co-accused Sahid @ Baba and Sukhpal Singh @ Shiva have already been granted bail by this Court. Though the roles ascribed to the aforesaid persons are somewhat different, but the role specifically attributed to the petitioner is not *prima facie* discernible from the statement on fact recorded in the FIR as well as in the initial version shown in the statement of injured Sunny @ Bhagga. Petitioner is in custody since 21.07.2016.

Keeping in view the facts and circumstances of the case and without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds and 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

28.02.2017
prince

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No