

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

CRM -M-46533 of 2016 (O&M)

Date of decision: 06.03.2017

Chamkaur Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajesh Bhatheja, Advocate for the petitioner.

Mr. Arshdeep S. Kler, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in FIR No. 120 dated 17.08.2016, registered under Sections 307, 336, 323, 148 read with Section 149 of IPC and Sections 25 & 27 of Arms Act, at Police Station Nihal Singh Wala, District Moga.

It is contended that as per FIR, the injury suffered by Karnail Kaur is a gun shot injury which is not supported by medical evidence and as per MLR, it has been shown to be lacerated wound, which could be given with friendly hand. No empty was recovered from the spot. The petitioner is in custody since 25.08.2016.

On the other hand, learned State counsel opposes the bail application and states that the petitioner along with co-accused fired shots at the complainant. The complainant escaped injury as he went inside his

house whereas his sister in-law present at the spot received injuries. As per custody certificate filed in Court, the petitioner is not involved in any other FIR.

I have heard learned counsel for the parties and perused the record.

Considering the fact that the petitioner is not involved in any other FIR; the challan stands presented, however, out of total 19 PWs, none has been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

06.03.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No