

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-6052 of 2017 (O&M)

Date of Decision: 16.03.2017

Vinod Kumar

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.S. Majithia, Advocate for the petitioner.

Ms. Harpreet K. Athwal, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.230 dated 4.9.2015 under section 302 I.P.C and section 25 of Arms Act, registered at Police Station, Sultanwind, District Amritsar.

Learned counsel for the parties have been heard.

FIR came to be registered on the statement of Poonam in relation to an occurrence dated 4.9.2015 and in which her husband Resham Singh was physically assaulted and attacked and who succumbed to his injuries on the following day i.e. on 5.9.2015.

Initially FIR was registered under Sections 307, 148, 149 I.P.C and section 25 of Arms Act but subsequently offence under Section 302 I.P.C was also added.

As per initial statement of the complainant i.e. wife of the deceased, Sunny Chola was armed with a pistol, Sagar son of Tarsem Singh was armed with a sword. Sunny Chola has been attributed a pistol shot which hit the deceased close to his private parts and likewise Sagar has been attributed sword blows also in the groin area.

Name of the present petitioner does not figure in the FIR, even though, in the initial statement of the complainant co-accused Sunny Chola and Sagar were accompanied by 10/12 other unidentified people.

The present petitioner is sought to be implicated on the basis of a supplementary statement of the complainant recorded on the date of incident itself and in terms of which the present petitioner has been named and it was stated that he was armed with a fire arm. Similar statement has been recorded of the mother-in-law of the complainant, who is stated to be an eye witness to the occurrence.

It has gone uncontroverted that in the supplementary statement of the complainant as also the statement of mother-in-law, the presence of the present petitioner at the spot has been recorded and he was stated to be armed but did not resort to any firing.

Petitioner has faced incarceration since 4.11.2015.

Investigation in the case is complete and the challan having been presented, the case is yet to be committed to the Court of Sessions.

The trial, as such, would take time to conclude.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Amritsar.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

16.03.2017
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Whether speaking/reasoned: Yes
Whether Reportable: No