

209

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

CRM-M No.6866 of 2017

Date of Decision: 09.03.2017

Pawan Kumar @ Tamba

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Ms. Rimplejeet Kaur, 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, at P.S. Sultanwind, Amritsar.

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

Sunny @ Bhagga, Haria @ Rahul and Deepy were riding and on second motorcycle, complainant, Vicky and Ajay were riding. Complainant was driving the vehicle, whereas Vicky and Ajay were sitting as pillion rider. When the complainant party was about to take turn towards Sultanwind Road, then all of sudden, accused Bobby Malhotra, Gaurav @ Kaddu, Shiva, Pawan (petitioner), Suraj, Arun and Minto met them near the 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 and Haria received gun shots injuries on his stomach. Deepu received injuries on his arms. Further allegations were made that Bhagga and the complainant accelerated their speed, but they were followed on motorcycles and were also fired at.

Learned counsel for the petitioner by referring to order dated 28.02.2017 passed in CRM-M No.3535 of 2017 titled Simranjit Singh Vs. State of Punjab, order dated 13.02.2017 passed in CRM-M No.286 of 2017 titled Mukesh Kumar @ Gikki Vs. State of Punjab and order dated 09.02.2017 passed in CRM-M No.3391 of 2017 titled Aman Kumar @ Mota Vs. State of Punjab contended that co-accused have already been granted regular bail by this Court.

Learned State counsel on instructions from HC, Ravi Kant admitted the aforesaid fact that Haria had received only one gun shot injury in the stomach and the said injury has been attributed to six accused persons. It would be highly debatable as to who has caused the injury in the abdomen of the deceased. The persons who allegedly did reki of the site i.e. Sahid @ Baba and Sukhpal Singh @ Shiva have also been granted regular bail by this Court in CRM-M No.34873 of 2016 and CRM-M No.506 of 2017.

Without adverting to the merits of the case, it will be just and expedient to grant benefit of regular bail to the petitioner.

Let the petitioner be enlarged on regular 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.

March 09, 2017.

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No