

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

CRM-M-16462-2017 (O&M)

Date of decision: 18.04.2018

Vishesh Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. Narinder Singh, Advocate for
Mr. D.S. Malwai, Advocate for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner seeks benefit of regular bail pending trial in case FIR No.32, dated 10.09.2012, under Sections 302/120-B/427/34 IPC and Section 25 of the Arms Act, registered at Police Station Thuliwal, District Barnala.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Davinder Singh in relation to an occurrence dated 10.09.2012. Deceased is friend of the complainant, namely, Tipar Chand @ Gauri.

Complainant, Davinder Singh is stated to be an eye witness to the occurrence.

As per complainant's version, deceased, Tipar Chand, while driving an Uno car was intercepted by another car make Lancer occupied by four persons, namely, Vishesh, Manpreet Singh @ Manni, Gandhi Singh @ Hardeep and Kuldeep Singh s/o Chand Singh. Specific attribution by the complainant of having resorted to firing by a pistol was to Manpreet Singh @ Manni and Tipar Chand having received fire arm injuries on the right

arm as also left thigh.

Complainant further asserted that certain unidentified persons on a motorcycle were also seen at the time of occurrence.

Tipar Chand @ Gauri is stated to have succumbed to the fire arm injuries.

Investigating Agency submitted the first challan document in which Gandhi Singh @ Hardeep and Kuldeep Singh were arrayed as accused. A supplementary challan is stated to have been filed thereafter in which Manpreet @ Manni, Satnam Singh and the present petitioner (Vishesh Kumar) were nominated as accused. The 3rd challan is also stated to have been filed in which even Gurdeep Singh has been added and nominated as accused.

As per case of the prosecution, present petitioner was stated to be driver of the offending lancer vehicle. It is not the case of the prosecution that the present petitioner was armed and as such, had resorted to inflicting any fire arm injury on the person of the deceased.

Petitioner was arrested on 12.12.2012. He has already faced incarceration for a period in excess of 5 years.

Complainant, Davinder Singh, who would be seen as a material witness has already been examined before the trial Court.

Trial would take time to conclude.

Prayer for bail was opposed by learned State counsel by adverting to an affidavit of the Deputy Superintendent of Police, Sub Division, Mehal Kalan, District Barnala and which would reflect that the petitioner was involved in a number of other criminal proceedings.

Tabulation reveals that the petitioner has been convicted in one matter

under the Arms Act whereas in all the other matters, either the petitioner has been acquitted or the FIR has been quashed or he is facing trial.

Be that as it may, in view of the discussion herein above and coupled with the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Petition is allowed.

Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, concerned.

Disposed of.

18.04.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |