

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-22794-2018 (O&M)

Date of Decision:-29.08.2018.

Parveen Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI**

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Present: Mr. Amit Chaudhary, Advocate for the petitioner.

Mr. Nikhil K. Chopra, Additional A.G. Punjab.

Mr. Lakhwinder Singh Sidhu, Advocate for the complainant.

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**P.B. BAJANTHRI, J. (Oral)**

**CRM-30213-2018**

Reply by way of affidavit and Annexures R-1 to R-3 on behalf of the complainant are taken on record.

CRM stands allowed subject to all just exceptions for the reasons stated in the application as well as affidavit.

**CRM-M-22794-2018**

Custody certificate dated 30.05.2018 filed by learned State counsel today in Court is taken on record.

2.) Learned State counsel submitted that by mistake FIR No.80 dated 25.08.2015 under Section 452 IPC has not been incorporated in the custody certificate. Otherwise petitioner is involved in one more FIR

No.110 dated 27.12.2016 under Sections 326/323/148/149 IPC, registered at Police Station Bareta.

3.) Learned counsel for the petitioner submitted that Sukhwinder Singh who was injured due to a gun shot and it was a simple injury which has caused on his left shoulder as is evident from Annexures R-1 and R-2. Learned counsel for the petitioner further submitted that even though Sukhwinder Singh was injured other than the left shoulder also but no attribution has been made against the petitioner except the single gun shot.

4.) *Per contra* learned State counsel as well as counsel for the complainant vehemently contended that for the purpose of extending the benefit of regular bail, Court has to examine the motive of the person who has been accused in a group clash. Even though simple injury has been caused on Sukhwinder Singh in the present case, yet a collective motive is required to be examined having regard to the fact that 2 persons have died in the group clash. Sukhwinder Singh who suffered injury due to gun shot, he fell down and, thereafter, he was beaten by the accused even though petitioner may not be responsible for other injuries other than injury No.1. Thus, he is not entitled to regular bail. Learned State counsel further submitted that petitioner is also involved in 2 other FIRs namely No.110 and 80. Having regard to the conduct of the petitioner, he is not entitled to regular bail.

5.) Heard the learned counsel for the parties.

6.) Perusal of the records, it is evident that due to group clash among the petitioner and others, 2 deaths have taken place and one person has been injured. The injured person, namely, Sukhwinder Singh had

has to take note of the motive of the persons who attacked Sukhwinder Singh. If the motive is taken into consideration, one has to draw inference that attempt to attack Sukhwinder Singh is to kill. That apart petitioner is already involved in 2 other FIRs cited supra. Even though petitioner is on bail in FIR Nos.80 and 110, petitioner has not made out a case for regular bail in the present case having regard to the stage of the trial that Sukhwinder Singh is yet to be cross-examined.

7.) Accordingly, petition stands dismissed.

**(P.B. BAJANTHRI)**  
**JUDGE**

**August 29, 2018.**

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.