

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

CRM-M No. 22063 of 2017

DATE OF DECISION :- January 11, 2018

Jagsir Singh @ Labhu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Kamaljeet Singh Sidhu, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG., Punjab.

Mr. Arjunveer Sharma, Advocate files vakalatnama for the complainant. The same is taken on record.

This petition for regular bail has been filed by petitioner Jagsir Singh, an accused in F.I.R. No. 151 dated 25.11.2016 registered under Sections 307 IPC and 25, 27, 54, 59 of the Arms Act with Police Station Raman, District Bathinda on the allegations that on 24.11.2016 at about 4.30 P.M. complainant Balbir Das came out of Tajgir Palace after attending marriage party of Gagandeep Singh and he being accompanied by Parveen Kumar then petitioner Jagsir Singh along with one Pritpal Singh @ Kala was standing there. Jagsir Singh asked from him that he was becoming a Don and on saying so he took out a pistol from his waist and fired two shots in the air. While complainant tried to run away, petitioner fired 3rd shot at him hitting him on right side of chest. Resultantly he fell down at a little

distance and petitioner ran away from the spot. The injured was taken to the hospital and medico legally examined. The matter was reported to the police and formal F.I.R. was registered. Accused was arrested in this case on 15.12.2016 and after completion of investigation and other formalities, challan against him was filed which was then committed and the trial is stated to be pending in the Court of Sessions Judge, Bathinda.

As informed by the State counsel the prosecution has concluded its evidence and now the case is fixed for 17.1.2018 for final arguments.

Learned counsel for the petitioner submits that the matter has since been compromised between the parties. Learned counsel for the complainant admits this fact.

Learned counsel for the petitioner states that when injured was medico legally examined at Civil Hospital, only one injury was found to be there in the form of laceration. Thereafter he was taken to the private hospital and as per discharge summary issued by Delhi Heart Institute & Multispeciality Hospital, Bathinda, a metallic foreign body injury (Gun shot injury Fire arm injury) was detected. In that way there is discrepancy between the ocular evidence and medical evidence and the prosecution story is improbable. Therefore, petitioner be released on bail.

Learned State counsel submits that all these facts would be taken into consideration by the trial Court at the time to decision.

After hearing the rival contentions, I find that offence under Section 307 IPC is non compoundable. The trial is almost mature. The guilt of accused shall be determined during the course of trial. While deciding the

case a mini trial cannot be conducted to arrive at the conclusion. Under the circumstances, no ground is made out. The appeal stands dismissed.

(H.S. MADAAN)
JUDGE

January 11, 2018
p.singh

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No