

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

**CRM-M No.24017 of 2018
Decided on: 02.08.2018**

Harwinder Singh @ Kala Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Rapton, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Ms. Amanpreet Kaur Sabharwal, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.156 dated 02.12.2017, for offence punishable under Sections 307, 148, 149 of the Indian Penal Code (in short 'IPC') and 25, 27, 54, 59 of the Arms Act, registered at Police Station Phul, District Bathinda.

Brief facts of the case are that the FIR in the present case was registered on the basis of the statement of Kuldeep Singh, wherein he alleged that on 02.12.2017, he along with Jaskaran Singh were present in the marriage of sister of Baljit Singh at Maharaja Palace, Bhai Rupa. A call was received by him from Jagjiwan Singh that accused – Ranjit Singh had stopped Jagjiwan Singh near his house. At that time, Ranjit Singh was armed with .12 bore DBBL gun and he challenged to come in the land that today he would plough the land and

will murder them. At about 05:30 p.m., when Jagjiwan Singh was about to turn his tractor towards his land, in the meantime, Ranjit Singh armed with .12 bore gun, his brother Kala Singh armed with .12 bore gun, Jaskirat Singh, Jeet Singh and Buta Singh armed with dangs along with 10/12 other unidentified persons, armed with fire arms came there. Kala Singh fired from his .12 bore DBBL gun with an intention to murder Jaskaran Singh and shot hit on both legs and right shoulder of Jaskaran Singh.

Counsel for the petitioner has submitted that the petitioner is in judicial custody since 20.03.2018 and as per the allegation in the FIR, he along with other co-accused, has caused injury to one Kuldeep Singh on account of a land dispute. It is further submitted that the licensed gun of the petitioner was deposited in the gun house on 14.05.2017 and this fact is verified by the Investigating Officer that the licensed gun of the petitioner was not used in the crime. It is also submitted that as per the allegation in the FIR, the co-accused – Ranjit Singh @ Raja was armed with .12 bore gun, which has already been recovered by the police during investigation and the same has been sent to FSL for examination and the report is still awaited. It is also argued that challan has already been presented before the trial Court and the case has not yet been committed to the Court of Sessions and therefore, it will take some in conclusion of the trial.

Counsel for the State, on instructions from ASI Amrik Singh, assisted by counsel for the complainant has not disputed the fact that the licensed gun of the petitioner was lying deposited with the gun house at the time of the incident and the licensed gun of co-accused –

Ranjit Singh @ Raja, has already been recovered.

Without commenting anything on merits of the case and considering the fact that the petitioner is in judicial custody since 20.03.2018; investigation is complete and the conclusion of the trial is likely to take some time as the case has not yet been committed to the Court of Sessions, this petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

02.08.2018

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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No