

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-27470 of 2018
Date of Decision: 20.09.2018

Garjinder Singh @ Dholu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.54 dated 22.03.2018 registered for offences punishable under Sections 307/341/148/149 of Indian Penal Code (for short, "IPC") and 25/27 of the Arms Act, at Police Station Chheharta, District Amritsar.

Heard.

Learned State counsel has produced report of Ballistic Expert, which gives the result of examination of *pyjama* and underwear of complainant, as follows:-

"On the basis of physical examination and chemical tests performed, it has been concluded that the suspected hole/holes present on pajama marked S/1 and underwear marked S/2 contained in parcel 'A' referred above had not been caused by projectile of firearm."

The Medical Board constituted to examine injury has also not

been able to give a definite opinion that the injury on the person of complainant was caused by firearm. It has rather mentioned in its report that this injury has already been declared as firearm injury provisionally on the medicolegal finding of the injured.

In view of report of Ballistic Expert, the holes in the *pyjama* and underwear were not caused by projectile of firearm, as such, it will be for the investigating officer to look into as to how injury proclaimed on the person of complainant was caused. However, at this stage, there is no definite opinion about the injury on the person of complainant.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Garjinder Singh @ Dholu is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

September 20, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No