

**Sr. No. 206
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No.M-35556 of 2018 (O&M)

Date of Decision: 06.09.2018

Yadwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Janak Singh Bhinder, Advocate,
for the petitioner.

Mr. T.P.S.Chawla, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This is the second petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.190 dated 04.12.2017, under Sections 307, 336, 323, 34 of IPC and Sections 25, 27 of Arms Act, registered at Police Station Lehra, District Sangrur.

Briefly, it may be noticed that FIR came to be registered on the statement of Gurdeep Singh @ Tinku in relation to an occurrence dated 04.12.2017.

As per complainant's version while he was proceeding along with his mother Charanjit Kaur during the morning hours, they were intercepted by a Bolero Car. Apart from the present petitioner, it has been alleged that other occupants of the car were co-accused Manmohan Singh @ Mohna, Gurpreet Singh @ Bugri and Komaljeet Singh @ Bugna.

Prosecution version is that co-accused Manmohan Singh @ Mohna fired from a 12 bore pistol which hit the complainant on his right thigh. Gurpreet Singh @ Bugri is alleged to have delivered iron rod blows also on the right leg of the complainant.

Present petitioner was arrested on 12.12.2017.

Investigation in the case having been completed, challan was presented and charges have been framed.

Learned State counsel would vehemently oppose the prayer made in the petition by submitting that on account of the injuries suffered in the occurrence, right leg of the complainant had to be amputated. Further argued that the offence is stated to have been committed in furtherance of a common intention.

Having heard counsel for the parties, this Court is inclined to accept the prayer for grant of regular bail.

Insofar as the present petitioner is concerned, the role attributed is that of exhortation/Lalkara.

Recovery of firearm is stated to have been effected from co-accused Manmohan Singh @ Mohna. Iron rods are stated to have been recovered from Gurpreet Singh @ Bugri/non-applicant.

Petitioner had earlier filed CRM No.M-4860 of 2018 seeking regular bail and that petition had been declined by this Court on 19.03.2018 by observing that mother of the complainant who is stated to be an eye witness to the occurrence would be a material witness and who is yet to be examined.

During the course of hearing today, counsel for the

petitioner has adverted to the proceedings before the trial Court and which would reflect that in spite of Charanjit Kaur (mother of the complainant) having been summoned throughailable as also non-bailable warrants she has chosen not to appear before the trial Court.

Petitioner has already faced incarceration for a period of 09 months approximately.

In view of the above and without making any observations on merits, prayer is allowed.

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

Disposed of.

06.09.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No