217 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46730-2018
Date of Decision:14.12.2018.

BHARPUR SINGH ...Petitioner

Versus

STATE OF PUNJAB & ANR ...Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. J.S. Bedi, Sr. Advocate with
Mr. Kamaldip Singh Sidhu, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. Amardeep Saini, Advocate
for the complainant.

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HARI PAL VERMA, J. (ORAL)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.58 dated 13.08.2018 registered under Sections 307, 452, 323, 148, 149 of IPC and Sections 25, 27 of the Arms Act (Section 34 of IPC and Section 3(2)(V) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act were added and offence under Section 452, 148, 149 of IPC were deleted vide diary No.13 dated 11.10.2018) at Police Station City Ballianwali, District Bathinda.

Learned senior counsel for the petitioner has argued that present is a case of version and cross version in which the petitioner as well as his nephew Darshan Singh was also injured. The petitioner is in custody

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since 09.09.2018 and the challan has been presented wherein offences under Sections 452 ,148 and 149 of IPC have been deleted. The petitioner, who is 62 years of age, has not been attributed any injury. The only injury, if any, is attributed to Jarnail Singh, who happens to be son of the petitioner, with the licenced weapon which was issued in the name of the petitioner. He has also referred to MLR of Bittu Singh and Sukhveer Singh wherein, Dr. Gurmail Singh has opined that the injuries attributed to them are simple in nature.

Learned State counsel as well as the counsel for the complainant states that considering the fact that the injured Sukhveer Singh and Bittu were given injuries with the firearm on the vital part of their body, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties.

Petitioner is in custody since 09.09.2018. There is a cross case between the parties. The offences under Sections 451, 148 and 149 of IPC have been deleted during the course of the investigation. Dr. Gurmail Singh has opined that the injuries on Bittu and Sukhveer Singh are simple in nature. Further, the culpability of the petitioner is yet to be established and charge in case is yet to be framed.

Accordingly, present petition is allowed and the petitioner is admitted on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(HARI PAL VERMA)
JUDGE

December 14, 2018
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

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