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

CRM-M-9055 of 2018

Date of decision: June 01, 2018

Lovepreet Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. K.S. Kahlon, Advocate for the petitioners.

Mr. H.S. Sullar, DAG Punjab.

Mr. G.S. Simble, Advocate for the complainant.

A.B. CHAUDHARI, J (Oral)

By way of this second petition, petitioners seek grant of regular bail in FIR No.27 dated 04.06.2017, under Sections 307, 324, 323, 326, 506, 148, 149 of Indian Penal Code, 1860 (for short 'IPC') read with Section 25, 27, 54, 59 of Arms Act, 1959 (for short 'Arms Act'), registered at Police Station Kotli Surat Malhi, Police District Batala, District Gurdaspur.

Heard learned counsel for the rival parties on the plea for grant of regular bail by the present petitioners. This Court did not grant bail to them on the earlier occasion as the evidence of victim was not recorded. Accordingly, on 29.04.2017, in CRM-M-30226 of 2017, this Court made the following order:-

“Heard learned counsel for the rival parties.

Petitioners seek grant of regular bail in FIR No.27

dated 04.06.2017, under Sections 307, 324, 323, 326, 506, 148, 149 of Indian Penal Code, 1860 and Sections 25, 27, 54, 59 of Arms Act, 1959, registered at Police Station Kotli Surat Mallian, Police District Batala.

Upon hearing the learned counsel for the rival parties, I find that prima-facie, there is no evidence against petitioner No.1-Peter Masih and therefore, I order petitioner No.1 to be released on regular bail.

In so far as petitioners No.2 to 4 are concerned, learned State counsel, on instructions from Head Constable Amrik Singh, makes a statement that the challan would be filed within a week.

In my opinion, in so far as petitioners No.2 to 4 are concerned, they should be allowed to apply for regular bail before the trial Court after filing of challan.

In that view of the matter, petition qua petitioners No.2 to 4 is allowed to be withdrawn with liberty in their favour to apply before the trial Court after filing of challan. Let the challan be filed within 2 weeks.

However, petition qua petitioner No.1-Peter Masih is allowed. Petitioner No.1 shall be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner No.1 shall not tamper, influence and threaten the prosecution witnesses and complainant as well.

Petition stands disposed of, accordingly.”

Now, there is report that the trial is fixed for recording statement under Section 313 of Code of Criminal Procedure, 1973 meaning thereby that the prosecution case has been completed.

Even otherwise, prosecution allegations are that both the petitioners had fired shot from .12 bore rifle, which hit on the left

shoulder and on right thigh of the victims.

Learned counsel for the complainant vehemently opposed the plea for grant of regular bail to the petitioners on the ground that the petitioners should be convicted.

Looking to the nature of shots fired on the non-vital parts of the body, i.e. shoulder and leg, of the victim, I am inclined to grant regular bail to the petitioners.

In that view of the matter, **CRM-M-9055 of 2018** is allowed. The petitioners shall be released on bail to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate. The petitioners shall not tamper, influence and threaten the prosecution witnesses and complainant as well. The petitioners shall surrender their passport, if they possess, with the trial Court.

(A.B. CHAUDHARI)
JUDGE

June 01, 2018

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No