

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

**CRM-M-9412-2018 (O&M)
Date of Decision: 20.04.2018**

Avtar Singh @ Amana

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

Mr. Madan Sandhu, Advocate
for the complainant (in CRM-M-9412-2018)

RAJ MOHAN SINGH J. (ORAL)

CRM-13891-2018:

For the reasons mentioned in the application, the same is allowed and accompanying documents i.e Annexures P-3 to P-6 are taken on record subject to all just exceptions.

CRM-M-9412-2018:

The petitioner seeks regular bail under Section 439 Cr.P.C. in case bearing FIR No. 24 dated 12.03.2017 registered under Sections 302,307,148,149,120-B of IPC read with Sections 25,54,59 of Arms Act, registered at Police Station Bareta, District Mansa.

The FIR was registered on the statement of Raivarinder Singh. As per allegations in the FIR, elder brother of the complainant Raitajinder Singh alias Ravi purchased a truck and deployed the same in a truck union. On 12.03.2017, the complainant, his brother Raitejinder Singh and their three friends namely Sukhwinder Singh alias Sukha, Rajinder Kumar alias Raju and Maninder Kumar visited the truck union in order to see call in the truck union. Call proceedings started at about 10.00 a.m. and the same lasted for 20-25 minutes. Brother of the complainant Raitajinder Singh and his friends started talking with each other and they sat on a bench. Complainant and Maninder Kumar separated them for about 20 minutes for discussing something in private. At about 10.20 a.m., Binder Singh President Truck Union, Gurpreet Singh Sindhu, Goldy, Parveen Singh and four other unknown persons came in the court-yard of truck union. Unknown persons were armed with iron rods, all the persons surrounded Raitajinder Singh, Rajinder Kumar and Sukhwinder Singh. Gurpreet Singh raised *lalkara*. *Thereafter*, Goldy took out a pistol and fired upon Raitajinder Singh and hit him upon his left ear. Binder Singh took out a pistol and fired towards Rajinder Kumar which hit him on backside of his ear. Both got injured and fell down. Sukhwinder Singh raised alarm. Thereafter, Parveen Singh took out a pistol

and fired upon Sukhwinder Singh which hit him on his left shoulder. He also fell down. Goldy and Binder Singh did other firing also. The unknown persons went towards Sukhwinder Singh and caused injuries with iron rods while he was lying on the floor.

Learned counsel for the petitioner submitted that petitioner was alleged to be one of the four persons, against whom allegations of giving iron rod blows were attributed on the person of Sukhwinder Singh. As per MLR of Sukhwinder Singh, four injuries were found on his person, injury No. 1 was found to be grievous in nature, other three injuries were found to be simple in nature. Injury No. 3 was a gunshot injury attributed to Parveen Singh. Petitioner is in custody since 18.03.2017

Learned counsel further submitted that co-accused namely Gurpreet Singh and Jaswinder @ Jassi were found to be innocent by the prosecution and the application filed by the complainant under Section 319 Cr.P.C. had already been declined by the Additional Sessions Judge, Mansa vide order dated 19.02.2018.

Learned counsel further submitted that role of the petitioner cannot be defined more than the persons who have been found to be innocent by the prosecution.

As against this, learned State Counsel duly assisted by ASI Bhagwan Das has stated that two persons namely Raitajinder Singh and Rajinder Kumar died in the open firing, done by Goldy and Binder Singh. Parveen Singh was the author of injury No. 3 on the person of injured Sukhwinder Singh.

The allegations against the petitioner are that he along with three unknown persons caused injuries with iron rods on the person of Sukhwinder Singh. He was identified by the injured Sukhwinder Singh on the same day of occurrence. Learned State counsel further submitted that on 19.02.2018 a criminal revision was preferred by the complainant in the Court which is pending consideration.

At this stage without meaning anything on merits of the case, I deem appropriate to consider prima-facie facts that the petitioner has not been attributed with any specific injury on the injured Sukhwinder Singh and he has not caused any injury to the deceased, therefore, the petitioner is directed to be enlarged on regular bail subject to his furnishing bail bonds and adequate surety bonds to the satisfaction of the trial Court.

20.04.2018

Seema

**(RAJ MOHAN SINGH)
JUDGE**

Whether Yes No
speaking/reasoned :

Whether Reportable : Yes No