

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-5706 of 2019 (O&M)
Date of decision : November 26, 2019

Balbir Singh

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. JS Sarao, Advocate, for the petitioner

Ms. Sakshi Bakshi, AAG, Punjab for the State

Fateh Deep Singh, J. (Oral)

Accused-petitioner Balbir Singh who is in custody since 30.4.2018 has sought this regular bail application in case FIR No. 47 dated 7.4.2018 under Sections 458, 354, 307, 120-B IPC and Section 309 IPC added later on and Sections 25/27 of the Arms Act, PS Samana, District Patiala.

The present case was got registered on the statement of an un-married girl aged around 22 years hosteler in a college adjoining Samana. She alleged that on account of wayward habits

of the petitioner she has intimated college authorities and alleged that on 6.4.2018 around 9.30 PM while she was sitting in the hostel room along with her friend, accused trespassed into the room and tried to molest her. The complainant claims that when she resisted the accused who was armed with .12 bore gun fired a shot at her hitting her on the right side of the face and on account of commotion which attracted others, the petitioner managed to escape.

Learned counsel for the petitioner inter-alia contends that the petitioner is behind the bars for almost 1½ years and that there is no evidence and proof that it was fire arm injury which was dangerous to life and prayed for grant of bail.

Learned State counsel has opposed the bail on the grounds that the accused was habitual in intimidating the complainant regarding which a complaint was already lodged and had tried to take the life of the complainant and therefore, was not entitled to any relief.

Appreciating the submissions, the record establishes a single shot having been fired from the gun hitting on the right side of the face of the injured complainant. The medical as well as treatment record are suggestive of a fire arm injury and which is elaborative too as to its nature. The accused did not desist from his

inappropriate behaviour and has tried to molest a young girl and on her resistance has fired a shot hitting on vital part is illustrative of the very intent and premeditation of mind. The mere period of incarceration is no extenuating circumstance to allow the bail. There being no merit, the present petition stands dismissed.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

November 26, 2019

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No