

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

CRM-M-7173-2019
Date of decision:15.05.2019

SUCHA SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Onkar Singh, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.64 dated 27.12.2016 under Sections 302, 307, 148, 149 of the Indian Penal Code and Sections 25 & 27 of Arms Act, Police Station Qila Lal Singh, District Gurdaspur.
2. The allegations in nut-shell are that while JP son of Nirmal Singh (non-applicant) fired at Gurmukh Singh from his .12 bore gun, the present petitioner-Sucha Singh also fired with a .12 bore gun at Gurmukh Singh resulting in his death. The petitioner had been kept in column No.2 but later on summoned with the aid of Section 319 Cr.P.C.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that although the petitioner owns a .12 bore gun but the same had been deposited with the Luthra Gun House on 12th March, 2014 i.e. much before the occurrence in question.
4. Opposing the petition, the learned State counsel assisted by learned counsel for the complainant has submitted that the petitioner had deposited his gun 2 years back would not give him clean chit as he could have used some other gun also for causing the injury. Learned State counsel has further submitted that although the petitioner had pleaded alibi, but upon examination of his call details, it has been revealed that he was present near the area where the occurrence took place and thus it was quite possible for him to have caused the injury and it cannot be said that it was practically and physically not possible for him to be present at the place of occurrence.
5. I have considered rival contentions addressed before this Court. A perusal of the post-mortem report would show that injuries are in the nature of multiple lacerated wounds which are mainly in the area of left side on his face and left side on his neck and the upper portion on his chest, which could be a result of one fire arm shot only. Further I find that as per the report of Ballistic Expert, the empty cartridges recovered from the spot were found to have been fired from one weapon only and the said weapon is stated to have been recovered from co-accused JP. In view of the aforestated

position, it would certainly be debatable as to whether the petitioner had fired upon the deceased or not. The petitioner in any case has been behind bars since last more than 1 year. It has been informed that as on date only one PW out of cited 23 PWs has been examined. Since conclusion of trial, in its normal course, is likely to take some time, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

15.05.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**