

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-6286-2019 (O&M)
Date of Decision:- 14.2.2019

Harmanpreet Singh @ Harman ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vinay Kumar, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.29, dated 18.4.2018, registered at Police Station Ghanie Ke Bangar, District Gurdaspur, under Section 307/34 IPC and Section 27 of Arms Act.
- 2 The FIR was lodged at the instance of Gurcharan Singh alias Chann wherein it has been alleged that on 16.3.2018, when he along with his friend were going on a car to Village Khera Kalan, then on the way Harmanpreet Singh alias Harman, Satnam Singh alias Satta and

Balraj Singh alias Buri came from behind on a motorcycle and started driving parallel to their car. It is alleged that while Satnam Singh alias Satta was driving the motorcycle, Harmanpreet Singh alias Harman was sitting in the middle and Balraj Singh alias Buri was sitting behind him in the rear. It is alleged that Balraj Singh raised a *lalkara* asking his companions to fire and kill the complainant upon which Harmanpreet Singh alias Harman fired from his pistol but the shot did not hit the complainant. Thereafter Satnam Singh alias Satta drove his motorcycle in front of the car and stopped his car and when the complainant alighted from the car, all the accused started abusing him. When the complainant ran away in order to save himself, Harmanpreet Singh alias Harman fired at him with an intention to kill him and his shot hit him on the ankle of his left leg. It is further alleged that the accused while firing more gun shots fled away from the spot on the motorcycle.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that the FIR came to be lodged after 32 days of the occurrence and that the complainant was also not examined during these 32 days and the MLR was also prepared after 32 days.
4. Opposing the petition, learned State counsel has submitted that since specific allegations have been levelled against the petitioner who is specifically alleged to have fired at the complainant, no case for grant of bail is made out.

5. Having considered rival submissions addressed before this Court and bearing in mind the fact that no plausible explanation is forthcoming as regards the delay in medical examination of the complainant and also as regards the delay in lodging the FIR and that the petitioner has been behind bars since the last about 7 months and not even a single PW out of the cited 16 PWs has been examined so far, in my opinion no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and petitioner-Harmanpreet Singh @ Harman is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
6. This petition stands accepted accordingly.
7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

February 14, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No