

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-18303-2019

Date of Decision: 29.05.2019

Rajinderpal Singh @ Raju

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. RS Cheema, Senior Advocate with
Mr. Rajiv Kumar Trikha, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., petitioner-
Rajinderpal Singh @ Raju, has prayed for grant of regular bail in case
FIR No. 124 dated 29.12.2018 registered under Sections 307, 323, 148
and 149 IPC; Sections 25 and 27 of the Arms Act, 1959 and Sections 3/4
of the Secheduled Castes and Scheduled Tribes (Prevention of Atrocities)
Act, 1989 at Police Station Mehta, District Hoshiarpur.

According to the prosecution, on 29.12.2018, when
complainant-Gurnam Singh along with Kiranjit Singh and two more
persons, namely; injured-Sukhjeet Singh and Sukhwinder Singh, were
returning to their Deras from the farm house of Narinder Singh, who was

contesting elections for the post of Sarpanch, the petitioner along with his accomplice, namely; Amandeep Singh, Jagtar Singh @ Jind, Kuldip Singh, Harpal Singh, Inderjit Singh, Faquir Singh etc. armed with deadly weapons like pistols and sticks etc. raised '*lalkara*' to teach them a lesson for opposing their candidate. In the meantime, petitioner took out his revolver with an intention to kill, fired upon the complainant party. As a result thereof, pellets hit the lower portion of the body of Kiranjit Singh and Sukhjit Singh.

Learned senior counsel *inter alia* contends that from the petitioner's side Kuldip Singh also received fire shot injuries which remained un-explained by the prosecution. Both the injured were discharged in four days from the hospital. All the alleged pellet injuries suffered by Kiranjit Singh and Sukhjit Singh, aforesaid are on non-vital part of their body. Even there is no bone injury to them. There is also no medical opinion declaring any of the injury suffered by them or complainant as dangerous to life. Therefore, Section 307 IPC has illegally been added by the police. Petitioner is in custody since 14.02.2019. Conclusion of trial may take a long time. No useful purpose would be served by detaining him in jail.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner-Rajinderpal Singh @ Raju, is ordered to be

released on bail pending trial, if, not required in any other case, on his
furnishing adequate bail and surety bonds to the satisfaction of trial
Court/Duty Magistrate, concerned.

May 29, 2019
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No