

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

CRM-M No. 32688 of 2019

Date of Decision:-27.09.2019

Sukhjinder Singh alias Sukhwinder Singh alias Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. K.S. Dhillon, Advocate
for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

MANOJ BAJAJ J.(Oral)

Petitioner Sukhjinder Singh alias Sukhwinder Singh alias Sukha has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.33 dated 22.05.2015, under Sections 307, 148, 149 IPC and Section 25/27 of Arms Act, registered at Police Station Begowal, District Kapurthala. The petitioner is in custody since his arrest on 22.01.2019.

The FIR was registered on the statement of complainant Balwinder Singh @ Bhola, stating therein that on 21.5.2015, at about 3.15 pm, he alongwith his mother Gurmit Kaur were going to take medicine on his motor-cycle. When he was passing through the *gali*, accused

Sukhjinder Singh @ Sukha (petitioner) came in the gali on his motor-cycle and one Scorpio vehicle was also coming behind him, which was being driven by Manjit Singh @ Mani @ Chinda, in which Surinder Singh @ Mani, Ajit singh, Balwinder Singh, Fateh Singh and Sikandar Singh @ Happy, who were having *dattar* and *kirpans* were also sitting. Then upon raising lalkara by Ajit Singh and Surinder Singh, accused Sukhjinder Singh @ Sukha (petitioner) started firing from his revolver out of which one shot hit on the back of complainant and another shot hit on his left under-arm. Upon hearing noise, father of complainant alongwith other persons came at the spot. Sukhjinder Singh also gave blow of butt of revolver on the head of father of complainant and after that all the accused persons ran away from the spot.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the case as no recovery of any weapon was effected from the petitioner. He also refers to the MLR of the complainant, in which all the injuries are mentioned as simple in nature. He further contends that even charges have not been framed, so the trial will take considerable time and as the investigation is complete, no useful purpose would be served by keeping the petitioner behind the bars. Learned counsel further contends that though the petitioner is named in the FIR, but the injuries were caused by the other accused persons.

On the other hand, learned State counsel, who is assisted by ASI Balkar Singh, has opposed the prayer on the ground that total three shots were fired at the victim by the petitioner, out of which two shots hit

the complainant. The petitioner is specifically named in the FIR. However, it is not disputed that the challan has been presented and the next date fixed before the trial Court is 04.10.2019 for framing of charges. He also submits that the complainant has suffered five fractures and the petitioner was member of unlawful assembly.

After hearing learned counsel for the parties, this Court finds that the petitioner was specifically named in the FIR, who had allegedly fired three gun shots at the victim and two of them had hit him. Further, the motive is also attributed in the FIR that the complainant had some fight with petitioner Sukhjinder Singh @ Sukha few days before the occurrence.

Considering the above and the fact that the trial is yet to commence, no ground for grant of regular bail to the petitioner is made out. This order shall not be construed as an expression of opinion on merits of the case.

The petition is hereby dismissed.

September 27, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No