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

CRM-M-45787-2019

Date of decision-31.10.2019

Rawal Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.S.Sandhu, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab assisted by
ASI Mewa.

MANOJ BAJAJ, J.

Petitioner-Rawal Singh has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.33 dated 31.03.2017 registered under Sections 307, 323, 506 and 148 read with Section 149 of Indian Penal Code, 1860 and Sections 25, 27 and 59 of Arms Act, 1959 at Police Station Samalsar, District Moga. The petitioner is in custody since his arrest on 28.11.2018.

The FIR was registered on the statement of Angrej Singh son of Gurnam Singh wherein it was alleged that on 27.03.2017 when he had gone to scrap shop of Amarjit Singh, then petitioner armed with pistol along with his brother and 10-12 unknown persons armed with baseball, rods and stick

of spade entered into shop. The petitioner fired a shot towards complainant but he saved himself. Thereafter, petitioner and his accomplices caused injuries to complainant with their respective weapons. On raising alarm, all the assailants ran away from the spot. On these broad allegations FIR was registered.

Learned counsel for the petitioner contends that the alleged revolver was not recovered by the Police and the offence punishable under Section 307 IPC was incorporated in the FIR because of use of the firearm weapon. According to him, no such injury was suffered by the victim. He contends that as per the FIR, the petitioner allegedly fired a gunshot at the victim, however, it did not hit him. Further, he submits that the material witnesses including the complainant have been examined by the prosecution, therefore, further custody of the petitioner may not be justified.

Learned State counsel assisted by ASI Mewa while opposing the prayer has contended that the weapon actually belonged to the co-accused who has expired. However, it is not disputed that the complainant has been examined as a witness before the Court. It is also not disputed that no firearm injury was suffered by the victim.

After hearing learned counsel for the parties, this Court is of the opinion that trial of the case is likely to consume considerable time therefore, further custody of the petitioner may not be justified. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial

Court Moga.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

31.10.2019
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No