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

CRM-M-50266 of 2019

Date of decision: December 02, 2019

Sunil @ Naata

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Tarun Sharma, Advocate for the petitioner.

Mr. V.G. Jauhar, Senior DAG Punjab.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.164 dated 30.07.2018, under Sections 307, 323, 341, 34 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 25, 27 of the Arms Act, 1959, registered at Police Station City Ferozepur, District Ferozepur.

Custody certificate dated 01.12.2019 filed by the learned State counsel, today in Court, is taken on record.

As per prosecution case, on 30.07.2018, at about 12:30 P.M., complainant-Gurkirtan Singh along with his friend Kuldeep Singh were going to K.D. Hospital on a motorcycle to meet their relative, then, a splendor motorcycle came from back-side being driven by some unknown person. Sunil @ Nata (present petitioner) as well as

Sucha Bhatti armed with pistol were also riding on the same motorcycle. When they came parallel to the motorcycle of complainant, then rider raised a *lalkara* and immediately, petitioner fired a shot with an intention to kill him, which hit the fuel tank of the motorcycle; consequently, both of them fell down. Thereafter, all three accused grappled with the complainant as well as his friend, but in order to save themselves, ran towards K.D. Hospital. Then all three assailants followed the complainant as well as his friend. Petitioner and Sucha Bhatti both indiscriminately fired shots towards the complainant from their respective weapons with an intention to kill him, which hit on his left as well as right thigh. After hearing hue and cry, people gathered and all three fled away from the spot along with their weapons. Some old enmity is also alleged between both sides.

It is contended by learned counsel for the petitioner that he is in custody since 30.08.2018 and has been falsely implicated in this case. Also contends that no useful purpose would be served by keeping the petitioner behind bar.

On the other hand, learned State counsel has opposed the prayer of the petitioner on the ground that the petitioner is habitual in committing such type of offences as there are eight other criminal cases against him. Also submitted that the offence committed by the petitioner is serious in nature.

Heard both sides and perused the paper-book.

As per custody certificate, following criminal cases are

pending against the petitioner:-

- “i) FIR No.141 dated 03.07.2018, under Sections 307, 427, 148, 149 of the IPC and Sections 25/27 of Arms Act, registered at Police Station City Ferozepur;
- ii) FIR No.106 dated 03.06.2018, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Lambi;
- iii) FIR No.163 dated 18.08.2018, under Section 34 of the IPC and Section 25 of Arms Act, registered at Police Station Dharamshala;
- iv) FIR No.45 dated 16.08.2018, under Sections 307, 34 of the IPC and Sections 25/27 of Arms Act, registered at Police Station Talwara;
- v) FIR No.247 dated 07.11.2016, under Sections 302, 341, 148, 149 of the IPC, registered at Police Station Sadar Ferozepur;
- vi) FIR No.237 dated 18.10.2016, under Sections 323, 336, 341 of the IPC and Section 25 of Arms Act, registered at Police Station City Ferozepur;
- vii) FIR No.28 dated 23.01.2018, under Sections 452, 325, 323, 324, 427, 148, 149 of the IPC, registered at Police Station City Ferozepur;
- viii) FIR No.108 dated 21.05.2018, under Sections 307, 341, 323, 148, 149 of the IPC and Section 25/27 of Arms Act, registered at Police Station City Ferozepur.”

The petitioner is involved in number of criminal cases, including the offence under Section 302 IPC. Even in the present case also, there is direct attribution of repeated firing of gun-shots by the petitioner with an intention to kill, thus, the allegations are very grave in nature. In view of the facts and circumstances of the present case, this Court is of the opinion that in case, petitioner is released on bail,

he is not only likely to hamper the trial, but may even again indulge in such activities keeping in view his past credentials.

In view of the above, no ground for grant of bail pending trial to the petitioner, is made out, at this stage. Petition stands dismissed.

Needless to say that observations made above may not be construed as an expression of opinion on merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

December 02, 2019

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No