

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-3001-2020

Date of Decision: 30.01.2020

Om Parkash @ Vicky Pal

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, Asstt. A.G, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.123 dated 04.08.2018, under Sections 307, 323, 324, 148 and 149 IPC, 1860 and under Sections 25 and 27 Arms Act, 1959 (Section 302 IPC, 1860 added subsequently), registered at Police Station Islamabad, District Police Commissionerate Amritsar. He is in custody since his arrest on 13.03.2019.

The FIR in the present case was registered on the statement of complainant Dharminder Singh @ Hello, wherein it was alleged that on 04.08.2018 at about 2:30 p.m., when he along with his friend Ranjit Kumar @ Golu and his friend Gaurav Sharma were roaming in the fair of Gugga Peer held near their village then suddenly, Sagar armed with datar, Vicky Dagga armed with datar, Arjan armed with kirpan, Kaka @ Pepsi armed with kirpan, Mani armed with baseball, Atul photographer armed with baseball bat, Tony armed with datar along with 6-7 unknown persons, who were having double barrel gun and one person was having pistol came in

front of them and encircled them. Upon exhortation by Vicky Dagga, all the assailants attacked them with weapons and thereafter, they scuffled with each other. At this, Vicky Dagga exhorted to shoot them and one sikh person fired a shot in the air with his 12 bore double barrel and then he fired a straight gun shot towards them with an intention to kill them and it hit Gaurav Sharma, Ranjit Kumar @ Golu and the complainant and respective pellet injuries were suffered by them on chest, near right eye and head. Then, Sagar gave datar blow on his head. His body was smeared in blood and he fell down and then all the accused gave beatings to them and fled away from the spot after causing injuries to them. On these broad allegations, the present FIR was registered.

Learned counsel for the petitioner contends that the alleged occurrence took place on 04.08.2018, wherein Ranjit Kumar @ Golu died of gun shot injuries allegedly fired by co-accused Harpreet Singh @ Happy and two others, namely, Gaurav Sharma and Dharminder Singh @ Hello suffered pellet injuries. He submits that the petitioner was not named in the FIR, who was indicted on the next day of occurrence by way of supplementary statement of injured Gaurav Sharma, who described the presence of petitioner on the spot. He submits that the petitioner was arrested on 13.03.2019 and is presently confined in judicial custody and is no more required for any interrogation as challan stands filed on 03.04.2019. He prays that the petitioner be released on regular bail.

On the other hand, learned State counsel assisted by SI Rajesh Kumar has opposed the prayer on the ground that the offence is serious. He submits that the petitioner was named by Gaurav Sharma by way of his statement made on 05.08.2018. However, it is not disputed that no overt act

is attributed to the petitioner. He submits that the case is yet to be committed to the Court of Session for trial and the same is fixed for 01.02.2020. He does not dispute this fact that the petitioner is not involved in any other case.

After hearing learned counsel for the parties, this Court is of the opinion that the trial is likely to consume considerable time as the prosecution has to examine 49 witnesses and, therefore, further detention of the petitioner behind the bars 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 Amritsar.

The petition is allowed.

30.01.2020  
*Jasmine Kaur*

(MANOJ BAJAJ)  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether reportable        | No  |