

202 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SMRITI
2020.07.17 16:51
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account of Covid-19 Pandemic)**

CRM-M-6846-2020 (O&M)
Date of Decision: 17.07.2020

DHARMINDER SINGH @ BHINDA ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ramesh Sharma, Advocate for
 Mr. L.S.Lakhanpal, Advocate, for the petitioner.

 Mr. H.S.Sullar, Deputy Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

CRM-16149-2020

For the reasons recorded in the application, the same is
allowed. Order dated 20.12.2019 is taken on record as Annexure P-6.

CRM-M-6846-2020 (O&M)

Through instant petition, the petitioner is seeking regular bail in
case FIR No. 279 dated 25.09.2018 under Sections 302/120-B IPC; Section
25 of the Arms Act and Section 03 of SC/ST Act, registered at Police
Station Phillaur, District Jalandhar.

Briefly, the aforesaid FIR has been registered on the allegations
that on 25.09.2018 at about 4:00 P.M, Parshotam Lal (complainant) had
gone to the shop of his nephew Ram Sarup (deceased) who was running a
shop of repairing tyre puncture. Sarabjit Singh @ Barohga armed with
datar, Pardeep Singh Ghosal armed with *kirpan* and two other persons also
carrying *kirpan* arrived at the spot. They inflicted injuries on the person of
Ram Sarup, who was shifted to Civil Hospital but succumbed to the injuries
on the way.

It has been pointed out by the learned counsel for the petitioner that the name of the petitioner does not find mentioned in the FIR, though, he has been named in the supplementary statement of the complainant. Moreover, during the course of trial, Parshotam Lal (complainant) and Sandeep Kumar, eye witness to the occurrence, have not supported the version qua Dharminder Singh @ Bhinda (petitioner). A pistol has been allegedly recovered from the possession of the petitioner but the same has not been used in the commission of present crime.

On the last date of hearing, it was pointed out that the petitioner is also in custody in another case bearing FIR No.136 dated 04.07.2018 under Sections 324/326/341/427/323 read with Section 34 of Indian Penal Code, registered at Police Station Garhshankar, District Hoshiarpur. The copy of the order dated 20.12.2019, passed by learned Additional Sessions Judge, Hoshiarpur, has been placed on record vide which, the petitioner has been granted bail in that case.

It has been further contended by learned counsel for the petitioner that the arrest of the petitioner was effected as back as on 01.10.2018 and the material witnesses have not supported the prosecution version qua the petitioner.

Learned State counsel has not disputed the aforesaid fact(s).

Keeping in view the abovesaid facts, no useful purpose will be served by keeping the petitioner behind the bars in the present case. Accordingly, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate/trial Court.

17.07.2020
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(VIVEK PURI)
JUDGE

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