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

**CRM-M No.13021 of 2020 (O&M)
Date of Decision: 08.06.2020**

**KARANDEEP SINGH @ RAMMI BOXER@ DAKKU AND
ANOTHER**

.....Petitioners

**Vs
STATE OF PUNJAB**

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Jagmeet Singh Moudgill, Advocate
for the petitioners.

Mr. H.S. Sullar, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.15 dated 14.01.2020, registered under Sections 307, 427, 506, 148, 149 IPC and under Section 25 of the Arms Act at Police Station City Sunam, District Sangrur.

As per allegations in the FIR, the complainant has alleged that when she was celebrating Lohri of her grand daughter along with her relatives in her house, then at 10.50

p.m. in the night, Kapil Sharma @ Mani along with his brother Sandeep boxer and others came in the street and started abusing the complainant party. They exhorted that the sons of the complainant be sent outside. They started throwing bricks and stones on the house of the complainant. On hearing noise, sons of the complainant i.e. Lakhwinder Singh @ Lakhi Patthar and Jatinder Singh, nephew of the complainant Gagandeep Singh and other neighbourers came out and then Kapil Sharma @ Mani Pandit fired towards the house. First fire hit on the waist above the thigh of Lakhwinder Singh @ Lakhi Patthar. Another fire hit on the wrist of left arm of Gagandeep Singh. The neighbour Malkeet Singh was also injured. The complainant-party locked the gate of the house and went upstairs on the roof. Kapil Sharma @ Mani also fired in air and caused damage to the window shield of the car and motorcycle. They also pelted stones on the house of the complainant as well as neighbourers. On raising alarm, they fled away from the spot.

Learned counsel for the petitioners submitted that no specific part has been attributed to the petitioners except to show them present at the spot along with others. Even the Court of Sessions while rejecting the bail on 12.05.2020 has observed that no fire arm injury has been attributed to the petitioners, but they were members of the unlawful assembly. Kapil Sharma @

Mani has not been arrested so far.

Learned counsel further submitted that the cross-version under Section 308 IPC has been registered against the complainant party and in view of that it will be debatable issue as to which party was aggressor at the time of commission of offence. Petitioners are in custody for the last 4 and half months.

Learned State counsel on instructions from the Investigating Officer submitted that challan has been presented, but the same is yet to be committed to the Court of Sessions. Petitioners are in judicial custody.

In view of aforesaid facts, it would be just and appropriate to release the petitioners on regular bail. Petition is allowed. Petitioners are ordered to be released on bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

June 08, 2020

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No