

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

212

CRM-M-13684-2020 (O&M)

Date of decision: 16.06.2020

Kuldeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. D.A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

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

CRM-11993-2020

Prayer in the application filed under Section 482 of the Code of Criminal Procedure, 1973 is for exemption from filing the process fee and Court fee/Welfare stamp during the period of lock down.

In view of the lock down restrictions imposed to prevent spread of Covid-19 and the reasons mentioned in the application, the same is allowed and the petitioner is exempted from filing the process fee and Court fee/Welfare stamp as prayed for and the same be filed within one week from the date of resumption of normal working.

CRM-M-13684-2020

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.86 dated 30.06.2019

registered under Sections 307, 323, 324, 148 and 149 of the Indian Penal Code, 1860 (for short, "IPC") and Sections 25 and 27 of the Arms Act, 1959 at Police Station Kathunangal, Amritsar.

As per the prosecution version, on 28.06.2019 at about 07:30 P.M., when Sukhraj Singh along with Gurdial Singh and Ranbir Singh while returning from the fair at village Kotli Dhole Shah stopped at Goldy Fruit Stall at Bus Stand Chawinda Devi accused Dau and Sonu sons of Kewal Singh and one unknown person attacked them. Accused Ajay caught Sukhraj Singh while accused Dau caused injuries with sickle to him. After being rescued when they along with Harpal Singh were going to the house of Bhupinder Singh, all the three accused along with Aman, Kuldeep Singh and Ajay and 4/5 unknown persons started pelting bricks and stones from their roof top and Kuldeep Singh fired two shots at them with his double barrel gun and the pellets hit left biceps of Ranbir Singh and left calf of Gurdial Singh.

The petitioner has filed the present petition for grant of regular bail.

Pursuant to supply of advance copy learned State counsel has put in appearance and opposed the bail petition.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. Apart from the bald statement of the complainant there is nothing on record to connect the petitioner with the incident. The complainant has implicated the petitioner for causing fire arm injuries by alleging that pellets hit the

left biceps of Ranbir Singh and left calf of Gurdial Singh but in the MLRs of Gurdial Singh and Ranbir Singh the kind of weapon used is opined to be blunt which falsifies use of firm arm. Co-accused Manjit Singh Dau has been granted bail by this Court. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that the petitioner is accused of having committed heinous offence and does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, parity of the case of the petitioner with that of his co-accused Manjit Singh Dau who has been granted bail by this Court vide order dated 27.02.2020 and the fact that the trial is likely to take long time but without meaning to comment on merits, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on bail on furnishing of personal bond with bond of one surety to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.06.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No