

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

CRM-M-16263-2020

Date of decision: 4.8.2020

Baljinder Singh @ Sunny

.....Petitioner.

vs.

State of Punjab

.....Respondent.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Sunny Kumar Singla, Advocate, for the petitioner.
Mr. H.S. Sullar, Deputy Advocate General, Punjab.

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Sanjay Kumar, J. (ORAL)

The petitioner is the accused in FIR No. 35 dated 09.04.2019 on the file of Police Station Sadar Nawanshahar, District SBS Nagar, registered under Section 307 IPC and Section 25 of the Arms Act, 1959. By way of this petition, the petitioner seeks grant of regular bail.

Though the injuries suffered by the complainant in this case are shown to be simple injuries, the use of a firearm is clearly brought out in the medico-legal summary. The petitioner allegedly fired four shots from his weapon but two went astray. The police completed the investigation in the case and presented a challan before the jurisdictional criminal Court.

During the last hearing, Mr. Sunny Kumar Singla, learned counsel for the petitioner, stated that the unofficial witnesses in this case, including the complainant, were already examined and only the official witnesses remained. The matter was accordingly adjourned to enable the State counsel to verify this aspect.

Today, Mr. H.S. Sullar, learned Deputy Advocate General, Punjab, would inform this Court that, at the stage

of examination of the Investigating Officer, there was a change of

counsel for the accused and thereupon, an application came to be filed under Section 311 Cr. P.C. to summon the complainant and his father for further examination. This application is stated to be under consideration.

Upon being informed of this, Mr. Sunny Kumar Singla, learned counsel, sought a pass over to enable him to get instructions. Thereafter, he reported that he was instructed by Ms. Gurmeet Kaur, mother of the petitioner, to state before this Court that the application filed under Section 311 Cr. P.C. would not be pursued and that the examination of the Investigating Officer would be permitted to go on at this stage. The trial Court shall be mindful of this submission and act accordingly.

In the light of the above statement and as the unofficial witnesses have already been examined, this Court is of the opinion that the petitioner may be granted relief, subject to conditions.

The petition is accordingly allowed directing the release of the petitioner on regular bail in FIR No. 35 dated 09.04.2019 on the file of Police Station Sadar Nawanshahar, District SBS Nagar, upon his furnishing a personal bond for a sum of Rs. 50,000/- along with two sureties for a like sum each to the satisfaction of the Illaqa/Duty Magistrate concerned. Further, the petitioner shall not cause any threat, inducement or promise to any person concerned with the case.

(SANJAY KUMAR)
JUDGE

4.8.2020

preeti

whether speaking/non speaking

whether reportable/non reportable

yes/no

yes/no