

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

210

CRM-M-16323-2020.

Date of Decision: 09.07.2020.

Harwinder Singh @ Kala

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Tanvir Singh, Advocate for petitioner.

Mr. Harbir Singh Sandhu, AAG, Punjab.

Suvir Sehgal, J. (Oral)

The Court has been convened through Video Conferencing due to Covid-19 pandemic.

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.235 dated 12.12.2019 (Annexure P/1) under Sections 307, 323 IPC and Sections 25,54 and 59 of Arms Act, 1959 (Section 30 of Arms Act was added lateron after removal of Section 25 of Arms Act), registered at Police Station Sadar, Sangrur, District Sangrur.

Facts in brief, are that above mentioned FIR was registered at the instance of Pardeep Singh who stated that when his brother, Mandeep Singh came to meet him, Harwinder Singh (present petitioner), embraced him, took out a revolver and shot him above his left eye and at the right side of his neck, as a result of which, he fell down. More shots were fired at Mandeep Singh with an intention to kill him but they missed the target.

When the complainant and Kulwinder Singh @ Gola tried to rescue

Mandeep Singh, Harwinder Singh fled from the spot in his car. The motive of the attack was previous enmity with the petitioner.

Counsel for the petitioner has argued that there was a delay of more than 30 hours in lodging the FIR which gave sufficient time to the complainant to frame a story and falsely implicate the petitioner. He urges that injured-Mandeep Singh had suffered injuries on his own due to mishandling of his weapon as he was heavily intoxicated. Counsel has referred to the medical reports Annexure P/2 and P3 and argued that that there is a contradiction in the same. He further submits that the petitioner surrendered on his own on 16.12.2019 and is in custody since then. The trial of the case is likely to take long time to conclude, therefore, the petitioner deserves to be released on bail.

Opposing the petition, State counsel, on instructions from ASI Jagtar Singh, has argued that the allegations against the petitioner are grave in nature and the injury inflicted upon Mandeep Singh has been described as 'dangerous to life' in medical reports. He submits that investigation has been completed and challan has been presented on 13.03.2020 but the charges could not be framed as Courts are not functioning normally due to outbreak of corona virus pandemic.

I have considered the rival submissions and perused the paperbook and the documents appended therewith.

The injured had been initially taken to a private hospital at Patiala on 11.12.2019 from where he was taken to PGIMER, Chandigarh on 12.12.2019. The medical reports Annexure P2 and P3 annexed with the petition show that the injured had two bullets injuries, one near his left eyebrow and the other on the right side of his neck. The PGI in its medical

report Annexure P/3 has described the injuries as under:-

"Injuries sustained

1. *Entry wound 0.5x0.5 cm in the L SUPRAORBITAL Region.*
2. *0.5x0.5 cm entry wound in the L side of neck (LEVEL V).*
3. *L Eye - LOSS OF VISION."*

The nature of injuries has been mentioned as “grievous and dangerous to life” by the PGI in its report Annexure P/3.

A scrutiny of the above mentioned report shows that since there were two bullets injuries on the person of injured, the same cannot possibly be self-inflicted. The nature of injuries and the seriousness of the allegations against the petitioner, who allegedly had fired at the injured on his vital organs resulting in loss of sight in one eye, in itself shows that the same was done possibly with the intention to kill Mandeep Singh. Furthermore, the alleged weapon of offence was also recovered at the instance of the petitioner.

Considering the facts and circumstances in totality, this Court is of the view that the petitioner is not entitled to grant of concession of his release on bail pending trial. Petition is accordingly dismissed.

Any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

09.07.2020

komal

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