

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-21902-2020 (O&M)

DATE OF DECISION: 09.12.2020

GURPREET SINGH

... Petitioner (s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. S.S. Bhinder, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.41 dated 23.05.2020, under Sections 307 & 34 IPC and Section 25 of the Arms Act, 1959, registered at Police Station SGN Dev Thermal, District Bathinda.

Learned counsel for the petitioner, inter alia, contends that it is a case of solitary injury and the allegations in the FIR are that the petitioner had fired a shot with a revolver which hit the complainant on his elbow. He, however, contends that there is an ambiguity in the medical opinion with regard to the seriousness of the injury as to whether it was caused by the pistol as stated in the FIR. He contends that the medical officer, Civil Hospital Bathinda on an application filed by the Investigating Officer had only opined that the injury was grievous in nature and there was no opinion that the injury was dangerous to life. Opinion of the Medical Officer, Civil Hospital, Bathinda is reproduced hereunder:-

“After going through Bed Head ticket of Bathinda Neurospine and Trauma Center dated 23.05.2020, CR No.106 and as per record of Singla Neuro and Maternity Hospital dated 23.05.2020, the Injury No.1 is considered as grievous in nature.”

He also contends that the medical officer, Civil Hospital, Bathinda had also opined in response to the application on 21.10.2020 that bullet recovered on readmission at Bathinda Neurospine Centre does not correlate with the kind of weapon used since in the initial CT Scan tiny foreign bodies were seen and on readmission the bullet recovered was related to the category of rifled fire arms. He also contends that complainant has fully recovered from the injury. The petitioner is in custody for over 6 months since his arrest on 03.06.2020. He is not involved in any other criminal case.

Learned State counsel contends that the challan has been filed but charges are yet to be framed.

Heard through video conferencing.

In view of the submissions of the learned counsel for the petitioner, especially when the petitioner is in custody for over 6 months, he is not involved in any other criminal case, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

09.12.2020.

SwarnjitS

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