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

CRM-M No.22504 of 2020(O&M)

Date of Decision: 09.10.2020

Kishan Singh @ Krishna

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Gagandeep Singh Bajwa, Advocate
for the petitioner.

Mr. Harbir Sandhu, Asst., AG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.69 dated 05.04.2020 registered under Section 307, 188, 269 IPC, Section 25 of the Arms act and Section 51 of the Disaster Management Act, 2005 at Police Station Jandiala, District Amritsar.

The FIR was registered against the petitioner and others on account of some incident which had taken place at the

barricade fixed by the villagers in order to prevent flow of Covid-19 in the village. Petitioner and co-accused Sukhwinder Singh came on the motorcycle to meet Gurpreet Singh @ Gora and Joban Singh, but they were stopped by the villagers/volunteers who had barricaded the village due to pandemic Covid-19. Gurpreet Singh @ Gora and Joban Singh also reached at the spot. When the petitioner and co-accused Sukhwinder Singh were refused entry, they along with co-accused namely Gurpreet Singh @ Gora and Joban Singh entered into an altercation with the village volunteers. Sukhwinder Singh allegedly fired bullets at the complainant and one Sahib Singh, hitting them on left and right thighs respectively. He also fired 2-3 gun shots on other persons, but they were not hit in any manner. The complainant fell unconscious on the ground. Petitioner and co-accused Sukhwinder Singh fled away from the spot along with the weapons. They were caught by the naka party. Co-accused Gurpreet Singh @ Gora and Joban Singh succeeded in fleeing to the fields.

Co-accused Sukhwinder Singh has been granted regular bail by this Court vide order dated 08.07.2020 passed in CRM-M No.14475 of 2020 on the premise that he himself had received a gun shot injury in the head and admitted for treatment firstly in Guru Nanak Dev Hospital, Amritsar and

thereafter, he was referred to PGI, Chandigarh. Due to Covid-19 situation, instead of being taken to PGI, Chandigarh, he was taken to private hospital, where he was arrested. For cross-version, complaint has also been made, but the statement of Sukhwinder Singh could not be recorded and no FIR could be lodged. Thereafter, he filed a criminal complaint.

This Court while granting bail to the co-accused Sukhwinder Singh has also noticed that firearm has been recovered from him and FSL report is still awaited. After noticing some incriminating facts, this Court was pleased to grant bail to co-accused Sukhwinder Singh to whom gun shot injuries on the persons of the complainant party are attributed. No overt-act has been attributed to the petitioner in the context of fire shots on the complainant party.

The aforesaid factual position could not be disputed by learned State counsel on instructions from Sub Inspector Balraj Singh.

In view of aforesaid position, without adverting to the merits of the case, it would be just and expedient to grant benefit of regular bail to the petitioner.

Let the petitioner be enlarged on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the

satisfaction of trial Court/Duty Magistrate concerned.

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

09.10.2020

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Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE
Yes/No
Yes/No