

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

209

CRM-M-26761-2020

Decided on : 11.09.2020

Bikramjit Singh @ Vicky Fauji

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. G.S. Simble, Advocate for the petitioner (s).

Mr. H.S. Sullar, DAG, Punjab.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

In the present petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in FIR No.174 dated 30.06.2020 under Sections 395 IPC and 25 of Arms Act, 1959, registered at Police Station Dinanagar, District Gurdaspur.

Counsel for the petitioner has submitted that the complainant concocted a FIR story to save his misdemeanor and criminal acts. It is submitted that the petitioner is a retired Army personnel who had suffered a gun-shot injury on the right lower leg in the year 2015. The surgery was done and a locking plate was put on his leg on 08.7.2015. In such circumstances, he was discharged from the Army on medical grounds after 15 years 10 months 29 days.

It is his case that a twist has been given to the incident, which has been taken place as the complainant was running a Kiryana shop had asked for excessive amounts from the petitioner and his companions on account of the lockdown Covid-19. A disagreement as such had taken place

and thereafter he had chased the car of the petitioner and his companion and hit the car from behind. Both the legs of the petitioner had got fractured and he is still in Government Hospital since 02.07.2020. Reliance is also placed upon the medical certificate (Annexure P-2) in this regard.

Counsel for the State submits that the investigation is still to be completed and there are serious allegations of *Dacoity* against the petitioner and the bail has been rightly declined.

A perusal of the FIR which was lodged by Nishant Mahajan would go on to show that at 9:45 PM on account of the knocking of the shutters, the shop had been opened, on account of the fact that a person alongwith companions in police uniform were standing outside and demanding cold drinks and Namkeen and they had covered their face. They had put a weapon upon the complainant and, thereafter snatched the Gold Chain. The DVR of the CCTV Camera was also taken and they had further taken Rs.50,000/-, 2 mobile phones and a lady purse containing Rs.75,000/-. It is stated that they had gone away in Breeza car. The complainant alongwith his brother and two neighbours had started chasing them and had been successful in hitting his car on the back of their car, due to which person wearing uniform fell on side and his weapon had fallen on the ground. Another person had tried to fire but the bullet fell on the ground, but the petitioner's companions had put their injured companion in the car and went away.

Admittedly, the petitioner is in judicial custody and has also

suffered serious fractures on his legs. The story which has been put forth by the counsel seems to have some substance. The petitioner who is an Ex-Army personnel was also having a gun-shot injury in the year 2015 on the basis of which he had been discharged from Army on medical grounds. It is highly unlikely that a person having a service background would commits an offence in a manner, which has been described in the FIR, wherein identity of the vehicle was even not tried to be concealed. The recovery of the licenced weapons have already taken place from the house of the petitioner, as submitted by the counsel for the petitioner. The complainant who had lodged the FIR had not suffered any injury on their side and rather it has been argued that it is the petitioner who has suffered serious injuries on both his legs.

In such circumstances, without commenting upon the merits of the case and keeping in view the background of the petitioner and his medical condition, it would be appropriate if he gets medical treatment lest he would remain physically handicapped for the rest of his life. The same may not be possible if he is in judicial custody, as the best facilities would not be available to him.

Accordingly, the present petition is allowed. The petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Illaqua Magistrate/Duty Magistrate, Gurdaspur.

September 11, 2020

Naveen

Whether speaking/reasoned:
Whether Reportable:

(G.S. SANDHAWALIA)
JUDGE

Yes/No
Yes/No