

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

225

CRM-M-32480-2020

Date of Decision:03.12.2020

Ankush

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.**

**Present: Mr. Veneet Shama, Advocate,  
for the petitioner.**

**Mr. Sukhbeer Singh, A.A.G., Punjab.**

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**HARI PAL VERMA, J.(Oral)**

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.44 dated 16.05.2020 under Sections 307, 411, 148, 149 IPC and Sections 25, 27 of the Arms Act, 1959, registered at Police Station GRP, Amritsar, District Govt. Railway Police (Amritsar).

Learned counsel for the petitioner has argued that the allegation against the petitioner is that he has given fire-arm injury to Lakhbir Singh with .32 bore pistol at his left knee and has also given injury on the left thigh with the same fire-arm to Sajjan Sai. He submits that Sajjan Sai has already given an affidavit, wherein he has stated that no fire-arm injury has

been caused by the present petitioner, but the same was given by some other

unknown person. Lakhbir Singh was medically examined and the doctor has opined superficial laceration on the left thigh above left knee. The ocular evidence does not find support from the medical evidence. He further submits that the petitioner is in custody since 07.07.2020. The Medical Board appointed pursuant to the order dated 17.11.2020 has examined injured Lakhbir Singh on 24.11.2020 and the report of Medical Board(Annexure R-1) has been received along with status report by way of an affidavit of Sh. Ranbir Singh, Deputy Superintendent of Police, Govt. Railway Police, Amritsar, wherein the Board has opined that the possibility of fire-arm injury cannot be commented on the basis of wound only and the investigating officer to correlate with circumstantial evidence.

Learned State Counsel does not dispute the custody period of the petitioner and the report of the Medical Board.

Heard learned counsel for the parties.

Injured-Lakhbir Singh has been examined by the Board of Doctors as directed by this Court vide order dated 17.11.2020. Report has been received, which reads as under:-

*“The above patient was examined by the under signed board of doctors on 24/11/2020. Healed wound with discolouration is present corresponding to the injury mentioned in the MLR. Range of motion of Left hip & Left knee joint is within normal limits. Previous MLR X-rays shows no bony injury and no foreign body. Possibility of forearm injury cannot be commented based upon wound only and I/O to correlate with circumstantial evidence.”*

The petitioner is in custody since 07.07.2020. In view of the report of the Medical Board, this Court finds that culpability of the petitioner is yet to be established during the course of trial. Moreover, trial

is not likely to be concluded in the near future. Thus, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

However, the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

**December 03, 2020**  
**seema**

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No