

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

CRM-M-33104-2020

Date of Decision: 30.10.2020

Prince Arora @ Billa

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Amaninder Singh Sekhon, Advocate for the petitioner.

Mr. H.S. Multani, Assistant Advocate General, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition under Section 439 of Cr.P.C. for grant of bail in FIR No.53, dated 4th March, 2020 under Sections 307 and 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station City Kotkapura, District Faridkot.

FIR was at the instance of Sonu Kumar @ Dicky. It was alleged that on 4th March, 2020 at about 11:30 A.M., when Sonu Kumar along with Avi Kumar and Akshay Kumar were returning from Amrit Palace, Kotkapura, near the Focal Point, Prince and Rahul came on motor cycle and Rahul gave lalkara. When the complainant tried to flee, Prince fired a shot from his pistol which hit on the left knee. It was alleged that Prince and Rahul were carrying a grudge as one year back there was an

petitioner was arrested on 21st March, 2020. A country made pistol was recovered with one empty cartridge.

Learned counsel for the petitioner submits that the petitioner is behind bars for last seven months and no recovery is to be made. He relies upon the opinion of Dr. Ramesh Kumar, Medical Officer, Civil Hospital, Kotkapura who submitted that injury of complainant is abrasion, no pellets were recovered from the wound. The injury is declared simple.

Learned State counsel, on instructions from ASI Iqbal Singh, is not in a position to dispute that the fact that injury is simple, however, submits that there was use of fire arm in the incident.

Considering the fact that the injury was simple and petitioner is behind bars for last seven months, the petition is allowed. The petitioner is granted bail subject to furnishing of surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate concerned.

[AVNEESH JHINGAN]
JUDGE

30th October, 2020

pankaj baweja

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |