

208

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

Date of Decision: 24.02.2020

1. CRM-M No.31551 of 2019

Kulwinder Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

2. CRM-M No.32082 of 2019

Avtar Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

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

Present:Mr. D.S. Malwai, Advocate
for the petitioner in CRM-M No.31551 of 2019.

Mr. P.S. Sekhon, Advocate
for the petitioner in CRM-M No.32082 of 2019.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Sandeep Chopra, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, CRM-M No.31551 of 2019
titled Kulwinder Singh Vs. State of Punjab and CRM-M

No.32082 of 2019 titled Avtar Singh Vs. State of Punjab are being decided. Common facts are being noticed.

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.16 dated 19.02.2019 registered under Sections 307, 34 IPC and Section 25 of the Arms Act at Police Station City Ahmedgarh, District Sangarur.

The FIR was registered at the instance of Gaurav Goyal with the allegations that on 18.02.2019, the complainant and his family members were sitting in their house and were watching TV. At about 8.15 PM, the door bell of their house rang. On being verified, the complainant found that three persons with muffled faces were present at the door. The complainant tried to bolt the door from inside, then one person out of the aforesaid three persons fired a shot which passed above the head of the complainant. When the complainant fell down, then the person carrying firearm fired another shot which landed on the left thumb of the complainant and blood started oozing out. On hearing the alarm and noise of the fire shots, family members of the complainant attracted to the spot. The neighbours also came to the spot. Thereafter, the accused party fled away from the spot.

Three injuries were found on the person of the complainant. Injury No.1 was kept for ortho opinion. Injury No.2

was kept for X-ray and ortho opinion and injury No.3 was declared to be simple. Though in the MLR prepared by the Doctor, firearm injuries have been noticed in the statement of the complainant dated 19.02.2019. He got recorded the name of Avtar Singh and two unknown persons. On the basis of some inquiry at his own level, the complainant came to know that Kulwinder Singh and their servant Arun Ram were present along with Avtar Singh and they had come to the house of the complainant in a bolero vehicle of white colour and attacked the complainant. On the basis of statement of the complainant, a naka was installed and accused were apprehended by the police party when the driver of bolero tried to turn the vehicle back on seeing the police party.

On the application moved by the ASI Darshan Singh on 02.05.2019 for getting the opinion regarding nature of injury, Doctor wrote that Gaurav Goyal was admitted to Hind Hospital Ahmedgarh on 19.02.2019 vide CR No.SK-Feb-19-83 with a lacerated wound on thumb of left hand. X-ray of left hand shows comminuted fracture proximal phalanx of left thumb. MLR of the said patient was not prepared by the Doctor, therefore, nature of injury could not be given by the Doctor.

On a pointed query, learned State counsel on instructions from ASI Parveen Kumar states that there is no

opinion available in the police file with regard to nature of injury to show that the injury on the left thumb is the result of any gun shot.

Learned counsel for the complainant vehemently opposed the prayer on the ground that the conduct of the petitioners is not such which would enable them to seek any indulgence for grant of regular bail as they have resiled from the compromise which at one point of time was intended to be effected between the parties. In respect of cheque issued by the complainant party, a complaint under Section 138 of the Negotiable Instruments Act is pending before the competent Court.

Evidently, the petitioners are in custody since 20.02.2019. Out of 26 prosecution witnesses, no witness has been examined so far, except the statement of the complainant-in-chief. Trial of the case may take some time in its determination.

At this stage, without forming any opinion on merits of the case, the petitioners are directed to be released on regular bail subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

Both the petition stand disposed of.

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

24.02.2020
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(RAJ MOHAN SINGH)
JUDGE

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