

CRM-M-33005-2019 (O&M)

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

**CRM-M-33005-2019 (O&M).
Decided on: February 27, 2020.**

Sandeep Kumar Vohra

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Sant Pal Singh Sidhu, Advocate,
for the petitioner.**

Mr.Sarabjit Singh Cheema, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short the 'Cr.P.C.'), seeking regular bail in FIR No.65 dated 2.11.2018, under Sections 307/34 IPC and under Section 27 of the Arms Act, registered at Police Station, City Zira, District Ferozepur.

Learned counsel for the petitioner has, inter alia, argued

CRM-M-33005-2019 (O&M)

that even as per the allegations contained in the FIR itself, it is a case of fight which took place at a Dhaba where the complainant was sitting and an altercation took place between the petitioner along with his friends and complainant. He has further argued that it was due to incitement made by the complainant that ultimately the petitioner, who was having a licenced firearm, fired a shot which hit on the leg of the complainant. The role attributed to the petitioner is hitting the complainant with his licenced firearm on his leg which is a non-vital part of the body. He has further argued that the petitioner is in custody since 6.5.2019. The investigation of the case is complete; challan has been presented on 3.8.2019 and the charges have been framed on 11.10.2019 but still even expiry of about four months, no prosecution witness has been examined. He submits that conclusion of the trial is likely to take some time and considering the custody period and the fact that the petitioner is not involved in any other case and that no motive has been attributed with regard to firing, the petitioner be released on bail.

Per contra, learned State counsel states that although the injury on the leg of the complainant is on the non-vital part of the body but the same was declared grievous. He further submits that since the matter is serious in nature as such, the present petition for the grant of regular bail be dismissed.

I have heard the learned counsel for the petitioner as well as learned State counsel and have gone through the paper book.

In the present case after framing of charge on

CRM-M-33005-2019 (O&M)

11.10.2019, i.e. after a period of more than 4 months, not even a single witness has been examined. It is also an undisputed fact that the petitioner is in custody since 6.5.2019 and is not involved in any other case. No explanation is coming forward as to why no witness has been examined till date. The role attributed to the petitioner as per FIR itself is firearm injury on the leg of the complainant which is non-vital part of the body. The weapon of used by the petitioner is a licensed weapon. From the allegations in the FIR itself, it appears to be a case of sudden fight and it does not appear that there was any motive with regard to the firing allegedly made by the petitioner and as to whether petitioner was offending party or not. It is not the case of the State that in case petitioner is released on bail, there is likelihood that the petitioner will tamper with the evidence of influence the witnesses.

Thus, considering the totality of the circumstances, I deem it fit and appropriate to admit the petitioner on regular bail. Consequently, the present petition is allowed. It is ordered that the petitioner shall be released on bail on his furnishing bail bond/surety bond to the satisfaction of the trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

February 27, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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