

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

CRM-M-39852-2020

DECIDED ON: 7th DECEMBER, 2020

RAHUL KUMAR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Achin Gupta, Advocate for the petitioner.

Ms. Samina Dhir, DAG, 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 regular 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 he along with Avi Kumar and Akshay Kumar were returning from Amrit Palace, Kotkapura, reached 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 altercation over a accident of motor cycle which was compromised. The 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 since 11th September, 2020 and no recovery is to be made. It is further argued that no injury is attributed and the only allegation is that he raised a *lalkara*. He further relies upon the order of this Court dated 30th October, 2020 whereby, the co-accused Prince Arora @ Billa who was attributed injury, has been granted bail.

Learned State counsel submits that the petitioner was the main instigator as he raised a *lalkara* and opposes the prayer for grant of bail.

Considering the fact that there is no injury attributed to the petitioner and only allegation is that he raised a *lalkara*. Moreso, Prince Arora @ Billa has been granted bail. Considering the facts, the petitioner is granted bail subject to furnishing of surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate concerned.

7th DECEMBER, 2020

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*