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

CRM-M No. 40335 of 2019

Date of Decision: 10.02.2020

Kuldeep Singh and another Petitioners

Vs

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Bipin Ghai, Sr. Advocate with

Mr. N.P.S. Mann, Advocate

for the petitioners.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Mr. Sandeep Kumar, Advocate

for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.66 dated 13.04.2019, registered under Sections 302, 307, 323, 427, 452, 148, 149 IPC (deleted Sections 148, 149 IPC and 25/54/59 of Arms Act), further added Section 34 of IPC and Section 3/4 of SC and ST Act at Police Station Sadar Jagraon, District Ludhiana.

As per allegations, the occurrence took place at about 8:30 PM, when the complainant was present in

house along with his son Manminder Singh. Gurjeet Singh came to the house of complainant and abused his son. Thereafter, he went to his house. On being objected by the son of the complainant, Gurjeet Singh ran to his house and the complainant closed the door of his house. In the meantime, Gurjeet Singh armed with a Gandasa, Yadwinder Singh armed with sword (Kirpan) Gurmeet Singh alias Mintu armed with pistol, Kuldeep Singh Sarpanch armed with pistol, Janti armed with Soti(stick) and three unknown persons armed with Dandas (sticks) started giving blows on the door of the house of the complainant-party. The gate got opened and they all entered in the house of the complainant. Gurjeet Singh gave Gandasa blow on the person of Manminder Singh with an intention to kill him which landed on the back side of head of Manminder Singh. Due to which Manminder Singh fell down and became unconscious. On seeing the same, the complainant tried to save his son, then Yadwinder Singh gave Kirpan blow on the head of the complainant and he also fell down near to Manminder Singh and the accused started beating them in the lying condition. In the meanwhile, someone fired gun shots in the air. Thereafter, family members of the complainant and neighbours got attracted to the spot and the accused -party fled away from the spot. The incident was witnessed

by Charanjit Kaur and nephew of the complaint Tejinder Singh.

The police after investigation of the case has filed the report under Section 173 Cr.P.C., in which the petitioners have been found to be innocent. Ultimately, none was injured from the gun shots fired in the air.

Learned counsel for the complainant vehemently submitted that the police has sided with the accused party in not recording the correct version in the FIR. In fact complainant party has also filed petition in the High Court for transfer of investigation.

Learned State counsel on instruction of ASI Satinder Pal Singh states that challan has already been submitted and charges have been framed, but no prosecution evidence has been led so far. Since challan has been presented and petitioners have been found to be innocent, therefore, the complainant would be at liberty to avail his remedy in accordance with law. Petitioners are in custody since 22.07.2019.

At this stage, without commenting anything on merits of the case, I deem it appropriate to enlarge the petitioners on regular bail. Accordingly, this petition is allowed. Petitioners are ordered to be released on regular

bail subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

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

February 10, 2020	(RAJ MOHAN SINGH)
<i>priyanka</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No