

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

**CRM-M-1181-2021 (O&M)
Date of Decision: 25.03.2021**

Parmod Kumar Sood @ Parmod Sood @ Modi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ramandeep, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab,
assisted by ASI Gurbinder Singh.

GURVINDER SINGH GILL, J. (Oral)

CRM-1257-2021

In view of the reasons mentioned in the application, the same is allowed and the order dated 18.11.2020 passed by this Court in the case of co-accused i.e. CRM-M-21732-2020, is taken on record.

CRM-M-1181-2021

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.0085 dated 22.05.2020 at Police Station Anaj Mandi, District Patiala, under Sections 302/148/149/506 IPC and under Section 25 of the Arms Act, wherein it is alleged that on 21.05.2020 when the complainant Davinder along with his brother Shamsheer Singh and nephew Vansh Kumar were going towards market, they came across S.K.Kharoud @ Kanwar Randeep Singh, Sajjan, Abbu, Lali

who were armed with '*swords*', Chand Mohd., Phool Mohd. who were armed with '*gandasas*', Pawan armed with an '*iron rod*', Tara Dutt armed with a '*gandasa*', Parmod @ Modi armed with a '*rod*', Vicky Topi, Twinkle who were carrying '*swords*', Prince Chakki Wala armed with a '*gandasi*' accompanied by 5-6 unidentified persons. It is alleged that S.K. Kharoud raised a *lalkara* exhorting his companions to catch hold of Shamsheer and not to spare him. It is alleged that thereafter S.K. Kharoud, Abbu and Chand Mohd. took out their pistols and fired shots in the air. Sajan is alleged to have fired a shot towards complainant's brother with an intention to kill him hitting him below his left arm pit. It is alleged that thereafter the remaining accused who were carrying '*gandasas*' and other weapons brandished their weapons in air while stating that the lion has been killed.

2. The learned counsel for the petitioner has submitted that it is a case where as many as 17 persons have been falsely implicated in the FIR although it is a case of a single injury sustained by the deceased and that too with the help of an firearm, whereas the petitioner even as per the FIR was armed with a '*rod*' only.
3. Opposing the petition, the learned State counsel has submitted that since the petitioner was part of the unlawful assembly and was carrying an '*rod*', while his companions were carrying other lethal weapons, no case for grant of bail is made out. The learned State counsel has further submitted that the petitioner in case released on bail is likely to abscond, as in the present case P.O. proceedings are already pending against other 5 co-accused. The learned State

counsel has, however, informed that the petitioner has been behind bars since the last more than 9 ½ months and that he is not wanted in any other case.

4. I have considered rival submissions addressed before this Court.
5. Although the petitioner is specifically named in the FIR, but it is not disputed that it is a case of a single injury received by the deceased with a firearm, which would show that the petitioner had not caused any injury with the 'rod' which he was allegedly carrying. In any case, since the petitioner has been behind bars since the last more than 9 ½ months and conclusion of trial is likely to take time and not even a single prosecution witness has been examined so far, further detention of the petitioner will not serve any useful purpose.
6. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.03.2021
Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**