

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

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CRM-M-1810-2021 (O&M)
Date of Decision: 22.01.2021

Binder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Anureet S. Sidhu, Advocate, for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab,
assisted by ASI Gurbinder Singh.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.85 dated 22.05.2020 under Sections 302/148/149/506 IPC and Section 25 of Arms Act at Police Station Anaj Mandi, District Patiala, wherein it is alleged that on 21.05.2020 when the complainant Davinder along with his brother Shamsher Singh and nephew Vansh Kumar were going towards market, they came across S.K.Kharoud @ Kanwar Randeep Singh, Sajan, 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 Shamsher 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 '*gandasis*' and other weapons brandished their weapons in air while stating that the lion has been killed.

2. Learned counsel for the petitioner has submitted that it is a case where as many as 17 persons have been falsely implicated although only a single shot had been fired with a fire arm, which is attributed to co-accused Sajan. It has further been submitted that the petitioner in any case is not even named in the FIR and came to be nominated as an accused on the basis of a supplementary statement made by complainant Davinder on 02.07.2020, wherein he stated that on the basis of an inquiry conducted by him, he had come to know that the unidentified persons, who accompanied Kavar Randeep Singh and others on the date of occurrence, were Sunil Kumar, Gurpreet Singh @ Gupi, Binder and Amarjit Singh @ Manni, who along with other assailants had pelted stones at the complainant party.
3. Opposing the petition, learned State counsel has submitted that since a large number of persons had attacked the complainant party, it was not possible for the complainant to have immediately identified all the assailants and that the mere fact that he has named

the petitioner subsequently in a supplementary statement cannot be interpreted to mean that a false case has been registered against the petitioner or other accused. Learned State counsel has, however, informed that the petitioner, as on date, has been behind bars since the last 3 ½ months and that although challan stands presented, but charges are yet to be framed and that as many as 32 PWs have been cited.

4. I have considered rival submissions addressed before this Court.
5. It is a case where the petitioner is not named in the FIR and came to be nominated as an accused after about 2 months of the occurrence, when the complainant got his supplementary statement recorded. In any case, it is a case of single injury with a fire arm, which is attributed to co-accused Sajan, who was carrying a pistol. The petitioner has been behind bars since the last 3 ½ months and apparently the conclusion of trial is likely to take substantial time inasmuch as not even a single PW out of cited 32 PWs has been examined so far. 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.

22.01.2021
Vimal

(GURVINDER SINGH GILL)
JUDGE

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