

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.4681 of 2021

Date of Decision: 09.11.2021

Surinder Kumar

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Pradeep Virk, Advocate for the petitioner.

Mr. P.S. Walia, AAG Punjab.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.93 dated 01.06.2020 registered under Sections 307, 450, 427, 148, 149 and 188 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959 at Police Station Guru Harsahai, District Ferozepur. Section 120-B IPC was added later on. Earlier petition (CRM-M-22923-2020) filed by the petitioner was dismissed as withdrawn on 03.11.2020.

Learned counsel for the petitioner would contend that the present is a case of cross-version and though a FIR has been lodged on the statement of Surinder Kumar - complainant, however, only a DDR has been lodged on the complaint made by the petitioner party. Learned counsel for the petitioner has further contended that the dispute pertains to 5 *marlas* of land which belongs to Purshotam Lal and his family. Although, the litigation was decided against Kashmir Lal, *Sarpanch* and in favour of Purshotam Lal,

however, Kashmir Lal, *Sarpanch* and his son did not allow Purshotam Lal to take possession of the shop and caused a firearm injury which led to the present altercation. It has further been contended that there is no FSL report matching the bullet injuries with the weapon recovered from the petitioner. It is further the contention that as per the final report *qua* the MLR it has been opined that the injuries received by the complainant are simple in nature and there is also remote possibility of the injuries having been caused as a result of friendly hand.

Learned State counsel submits that as per the custody certificate there is one case pending against the petitioner in which he is stated to be on bail. Learned State counsel has referred to the status report filed by way of affidavit of Ravinder Singh, PPS, Deputy Superintendent of Police, Sub Division, Guruharsahai, District Ferozepur to contend that the firearm injury has been attributed to the present petitioner. He is, however, not in a position to dispute the fact that even as per the status report, injury nos.1 to 16, as mentioned in the MLR, are simple in nature as also that it has been opined by the Department of Forensic Medicine and Toxicology, G.G.S. Medical College & Hospital, Faridkot that there is also a remote possibility of the injuries having been caused as a result of friendly hand.

Heard.

In the present case, as per the MLR report now attached to the status report, the injuries received by the complainant are simple in nature and it has also been opined that there is a remote possibility of the injuries having been caused as a result of friendly hand. The petitioner has been in custody since 10.07.2020 i.e. for a period of 01 year 03 months and 23 days and the trial is still at the initial stage and is likely to take some time. As

such, no useful purpose would be served by keeping the petitioner in custody any longer.

In view of the above and without commenting upon the merits of the case, I deem it fit to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

**(ALKA SARIN)
JUDGE**

9th November, 2021
jk

NOTE : Whether speaking/non-speaking : Speaking
 Whether reportable : YES/NO