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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-6532-2021
Date of Decision: 17.02.2021

Amrinder Singh @ Bobby @ Mangal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Lovish Arora, Advocate,
for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition for regular bail filed on behalf of the petitioner under Section 439 Cr.P.C., in case FIR No.47 dated 22.07.2020, under Sections 307, 341 & 34 of the IPC and Sections 25, 27 & 30-A of the Arms Act, 1959 (Section 30-A of the Arms Act added later on), registered at Police Station Sadiq, District Faridkot.

[2]. Background of the matter is that the FIR was drawn up on the complaint of the Complainant-Gurminder Singh, who had alleged that “...On 21.07.2020, he and his son Samunderdeep Singh alias Laddu were coming to their village on motor-cycle, after collecting dry straw from the field. Motorcycle was being driven by his son Samunderdeep Singh alias Laddo and he was pillion rider. Then, at about 7.30 P.M, when they reached near the bridge of minor canal of Sher Singh Wala, Amrinder Singh alias Bobby alias Mangal son of Uddam Singh, resident of Sher Singh Wala and one unknown person with muffled face were standing with

splendor Motorcycle and Arminster Singh alias Bobby was having pistol in his hand, who stopped their Motor-cycle and asked his son Samunderdeep Singh alias Laddu that they teach a lesson for quarreling with him. In the meantime, Amrinder Singh alias Bobby alias Mangal shot a fire with pistol, which hit on the chest of his son and his son fell down on the ground and he also fell down on the ground. He raised raula 'Marta Marta'. Then, Amrinder Singh alias Bobby alias Mangal and unidentified person along with weapon fled away from the spot on the motor-cycle. Then, he and his son Vikasdeep Singh after arranging a vehicle got admitted his son Samunderdeep Singh in G.G.S. Medical College & Hospital, Faridkot, where he is undergoing treatment. The motive behind the occurrence is that earlier to this incident, a quarrel took place between Samunderdeep Singh and Amrinder Singh alias Bobby, but matter was compromised, so due to that grudge, accused fired a shot with pistol upon his son with an intention to kill him.....”.

[3]. Contention of the petitioner is that his client has been falsely implicated in the case. It has also been submitted that after completion of investigation, Challan against him has already been submitted, on account of which, his further detention in the interest of investigation is certainly not required. In addition, Ld. Counsel has also made the following submissions before this Court during the course of hearing:-

- (i). That the Challan already submitted is incomplete as it was not accompanied by the X-ray Reports, Ballistic Reports and other Forensic Evidence to be relied upon by the Investigating Agency, on account of which, the petitioner has become entitled for being released on default bail in

view of the judgment rendered by the Division Bench in ***CRR-4659-2015*** titled as “***Ajit Singh alias Jeeta and another Vs. State of Punjab***”, decided on 30.11.2018, which was followed by a Co-ordinate Bench of this Court in ***CRM-M-13929-2020*** titled as “***Subhash Vs. State of Haryana***” decided on 17.06.2020;

- (ii). That the evidence allegedly collected during investigation is not reliable, since recovery of the alleged arms/ammunition used in the offence was shown to have been effected on 01.08.2020, but the same were sent for Forensic Examination after a long delay of nearly 8 weeks on 24.09.2020;
- (iii). That it has been sought to be made out by the prosecution that the complainant's son was shot at from a point blank range by the petitioner. However, the nature of the injuries as noted in his MLR (Annexure P-2) are not consistent with such type of shooting;
- (iv). That the time in taking the victim to the Hospital from the place of occurrence is unexplained in the FIR; and
- (v). That there is a material inconsistency in the MLR (Annexure P-2) of the victim, in which, it was noted by the concerned Medical Officer that the patient was conscious and oriented to time, place and person, whereas the same victim in his statement under Section 161 of the Cr.P.C. had stated that he regained consciousness after several days.

[4]. After hearing Ld. Counsel for the petitioner, this Court is not in agreement with his aforesaid submissions.

[5]. In ***Criminal Appeal No.94 of 2015*** titled as “***Narender Kumar Amin Vs. CBI and another***”, decided on 15.01.2015, the Hon'ble Supreme Court had laid down that there is no specific prohibition that additional documents cannot be produced subsequently after presentation of Charge-Sheet by the Investigating Authorities. In other words merely because certain documents such as those by way of Forensic Reports have not been annexed along with the Final Report, it cannot be taken to mean that such Report in itself is incomplete, or have the effect of enabling an accused to seek statutory/default bail. It needs to be further remembered that decision of the Division Bench in ***Ajit Singh @ Jeeta and another's case (supra)*** and was specifically passed in context of the offences under the N.D.P.S. Act, 1985, for which, the procedure and rigors provided are far more stringent than those relating to general offences. Further, the said decision was passed without considering the ratio in ***Narinder Kumar Amin's case (supra)***, which would *prima facie* have the effect of rendering the same *per incuriam*. In addition, reliance upon the same by a Co-ordinate Bench for granting bail to an accused for the offences under Sections 409, 420, 467, 468, 471, 120-B & 201 of the IPC, would not be an appropriate comparison considering that those offences essentially pertain to monetary/financial transactions, while the present case pertains to Section 307 of the IPC which is a human life threatening offence.

[6]. It is settled law that minor omissions or contradictions in the statements of witnesses in criminal proceedings do not have the effect of rendering the prosecution case as a whole to be baseless. At any rate, the

submissions raised on behalf of the petitioner regarding the delay in sending the case property for Forensic Examination, or removing the victim from the place of occurrence to the Hospital are essentially to be scrutinized only at the Trial stage, as also the apparent discrepancy regarding the condition of the victim when he was first examined by the Medical Officer concerned.

[7]. No doubt, Challan has been submitted in the case, but considering the fact that the victim was shot at by fire-arms which caused him a chest injury, this Court is of the opinion that releasing the petitioner at this stage would not be conducive to ensure that the complainant and his son/victim are able to give their statements in the Trial Court, without any fear or pressure.

[8]. It has been submitted by Ld. State Counsel that Charges in the case are to be framed by the Ld. Trial Court within a day or so.

[9]. As such, in the totality of the circumstances, this Court is not inclined to release the petitioner right-away. It would be appropriate to entertain such prayer on his behalf only after the complainant and the victim give their statements as prosecution witnesses in the Ld. Trial Court. If, however, there appears to be any unnecessary or avoidable delay not attributable to the petitioner in recording such statements, it is always open to him to approach the Court again for appropriate relief.

[10]. Dismissed at this stage.

17.02.2021*Bhumika***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No