

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7040-2021 (O&M)
Date of decision: 09.03.2021

Shehbaz Khan Ali @ Ali

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Nahel, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.312 dated 14.12.2020 under Sections 307, 336, 323, 341, 427, 506, 148, 149, 120-B IPC and Section 25/27/30/54/59 of Arms Act, registered at Police Station City Sangrur, District Sangrur.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered on the statement of complainant/victim Babandeep Singh, on 14.12.2020, some protest was organized at Sambhu Border by the local MLA and he along with his friends Amanpreet Singh, Baljinder Singh, Robin @ Gobhi, Rahul @ Toti and Himanshu had to reach the office of local MLA,

however, when they reached there, they came to know that MLA has already left. When leaving the place, they were crossed by another vehicle at Fountain Chowk, Patiala Gate, Sangrur. The assailants namely Mani Mahesh Jindal, Shira and Vicky @ Rarri armed with iron pipes started inflicting injuries to the victims. Om Parkash @ Omma was carrying 12 bore rifle in his hand, his brother Joni was armed with a pistol and other accused were armed with iron rods and they started giving beatings to them. Joni fired two shots with his pistol and Om Parkash @ Omma caused injuries by firing shots with intention to kill. The pellets hit on the leg of Amandeep Singh, due to which he fell down. Other assailants also gave injuries with iron pipes.

Learned counsel for the petitioner has submitted that the petitioner is licensed owner of the gun, which was given to Om Parkash @ Omma for his self-protection, however, he, without knowledge of the petitioner, used the same. It is also submitted that though initially the petitioner was not named in the FIR, however, during the investigation, it came to know that another vehicle has intercepted the vehicle of the complainant side. It is next submitted that without prejudice to right of defence, the petitioner is ready to hand over a sum of Rs.1.00 lac to the victims for their medical treatment. It is further submitted that the petitioner is in custody since 22.12.2020 and is no more required for further custodial investigation.

Learned State counsel has filed the custody certificate dated 09.03.2021 in the Court today and submits that the gun used by Om Parkash @ Omma is a licensed gun in the name of the petitioner and said Om Parkash @

Omma is yet to be arrested and gun is also to be recovered from him.

Learned State counsel has referred to the injuries sustained by Babandeep Singh, Amandeep Singh and Amanpreet Singh, to submit that they were caused multiple injuries by the accused persons and some of the injuries sustained by Babandeep Singh and Amandeep Singh are on account of firearm pellets suffered by them.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that though the injuries sustained by the victims shows that there are serious and grievous injuries, however, no specific injury is attributed to the petitioner and also in view of the fact that he has offered to pay a compensation of Rs.1.00 lac to the injured victims, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

This will, however, be subject to the condition that the petitioner will deposit Rs.1.00 lac with the Illaq Magistrate/trial Court and the same will be disbursed to the victims as per directions of the Illaq Magistrate/trial Court.

[ARVIND SINGH SANGWAN]
JUDGE

09.03.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No