

232

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

CRM-M No.12310 of 2021 (O&M)

Date of decision: 24.03.2021

Rajinder Singh @ Raja Bular

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashish Aggarwal, 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 to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.184 dated 17.09.2020, for offence punishable under Sections 307, 34 of the Indian Penal Code, 1860 (in short 'IPC') (Section 341 IPC added later), 25, 27 of the Arms Act, registered at Police Station Chheharta, District Amritsar.

Counsel for the petitioner has submitted that as per the allegations in the FIR, when the injured/victim Manik Sharma on 16.09.2020 along with his friends had come out of Gurudawara, he was going on a motorcycle to drop Akash Singh at his home and when he reached near a school, Avinash Bablu @ Basanti, Harman @ Hamma, Sahil and Raja Bular (petitioner herein) were seen standing and Harman @ Hamma stopped his motorcycle and Raja Bular caught hold of him and threw him on the road and when he tried to run, then Harman @ Hamma fired a shot from his pistol, which hit the complainant – Manik

Sharma on his stomach and he was admitted in the hospital and thereafter, the accused fled away from the spot.

Counsel for the petitioner has also argued that the petitioner is in custody for the last about 05 months and 24 days; he is not involved in any other case and is a young man aged 19 years.

Counsel for the petitioner has further submitted that as per the allegations in the FIR, there is no motive attributed to the petitioner and without prejudice to his right of defence, the petitioner is ready to pay a sum of Rs.50,000/- to the complainant/victim Manik Sharma towards his medical expenses.

Counsel for the State, on instructions from Mr. Hemant Sharma, Deputy Superintendent, Central Jail, Amritsar has argued that due to typographical mistake, earlier a wrong Custody Certificate was filed, however, the correct Custody Certificate is filed in the Court today under the signatures of the Superintendent, Central Jail, Amritsar.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. It is further submitted that as per the Custody Certificate, the petitioner is not involved in any other case, he has undergone about 06 months of the total custody. Counsel for the State has also submitted that the victim has suffered a gun shot injury and he has spent huge amount on his medical treatment.

Without commenting anything on merits of the case, considering the fact that the petitioner is a young man aged 19 years, who is not having any criminal antecedents; he is in custody for the last 05 months and 24 days; the petitioner is not involved in any other case;

the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

The petitioner will hand over a Demand Draft of Rs.50,000/-, favouring the victim/complainant – Manik Sharma, at the time of furnishing bail/surety bonds, which will be handed over to the victim/complainant – Manik Sharma.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

24.03.2021
yakub

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