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

**CRM-M No.17944 of 2021
Date of Decision: 17.05.2021**

Manpreet Singh @ Mani

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Harpal Singh Sidhu, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing DDR No.42 dated 01.12.2018 registered under Sections 307, 341, 336, 323, 148, 149 IPC and 25, 27 of the Arms Act, DDR No.40 dated 25.03.2019 registered under Sections 326, 325, 324, 323, 148, 149 IPC in FIR No.191 dated 01.12.2018 under Sections 307, 341, 336, 323, 148, 149 IPC and Sections 25, 27 of the Arms at Police Station Dharamkot, District Moga.

As per allegations in the DDR, a complaint was made by Sukhwinder Singh @ Happy son of Jasmail Singh. As per allegations, the petitioner Manpreet Singh @ Mani was driving Trano car and he struck the car against the motorcycle of the complainant and as a result of that the complainant and his brother Sukhjinder Singh fell down from the motorcycle. Petitioner was armed with a revolver and his brother Gurpreet Singh @ Gopi was armed with Dah and Kulwinder Singh was armed 12 bore pistol. Two unidentified persons were armed with iron rods. They alighted from the car. The unidentified persons armed with iron rods also alighted from the second car make Honda City which was driven by Vikaramjit Singh @ Vicky @ Band. Billa and one unknown person, who were armed with iron rods also alighted from the motorcycle. On seeing the aforesaid assailants, Sukhjinder Singh @ Nikka and Hapreet Singh @ Happy left their motorcycle and fled away. Petitioner fired from his pistol hitting on the left leg of the complainant. Petitioner again fired a shot also hitting on the left leg of the complainant. Kulwinder Singh also fired a shot at the complainant with 12 bore *desi* pistol and the pallet hit on the right leg of the complainant. The accused also gave gun shot injuries to Ravinder Singh. Thereafter the assailants lifted the complainant and put him in Honda City car and took him to a tubewell where they gave more beatings to him. Billa gave iron rod blow on his

left eye. Gurdeep Singh gave blow from flat side of the *dah* on his left arm. The accused gave severe beatings to the complainant and thereafter threw him near village Jalalabad. Thereafter Darshan Singh came in a car and got the injured admitted in Hospital with the help of his family members.

During course of investigation, the Police recorded GD No.40 dated 25.03.2019 finding that Sukhwinder Singh @ Happy got five injuries as per MLR. According to the medical opinion from the Board of Doctors, injuries No.1 to 3 and 4 were found to be grievous in nature, whereas injury No.5 was found to be simple. In respect of Ravinder Singh, 4 injuries were found on his person. Injuries No.1 and 2 were found to be sharp injuries. As per opinion of Board of Doctors, injury No.1 was found to be simple in nature. Injuries No.2 and 3 were found to be grievous in nature. It was found that no fire arm injury was found on the persons of Sukhwinder Singh and Ravinder Singh, therefore, offences under Section 307 IPC and Sections 25, 27, 54, 59 of the Arms Act were deleted. The offences under Sections 326, 325, 324, 323, 148, 149 were added vide the aforesaid GD No.40 dated 25.03.2019.

It appears that the FIR and the cross-case were registered on 01.12.2018 and the petitioner was not arrested promptly. The offences under Sections 307 IPC and Sections

25, 27, 54, 59 of the Arms Act were deleted on 25.03.2019 and the petitioner was arrested only on 19.03.2021.

The factual position of the case is not disputed by the learned State counsel as per instructions from ASI Kuldeep Singh. No fire arm injuries have been inflicted on the persons of Sukhwinder Singh and Ravinder Singh.

Having heard, learned counsel for the parties and keeping in view the deletion of offences under Section 307 IPC and Sections 25, 27, 54, 59 of the Arms Act, I deem it appropriate to enlarge the petitioner on regular bail, who is in custody since 19.03.2021.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

May 17, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No