

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.18033 of 2021

Date of Decision: July 20, 2021

Baljinder Singh @ Nikka Bhangu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Amandeep Kaur, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.259 dated 16.09.2020, under Sections 307, 323, 341, 427, 506, 148, 149 IPC, 1860, Sections 324, 326 IPC (added later on) and Sections 25, 27 Arms Act, 1959, registered at Police Station, Sadar Samana, District Patiala. The petitioner is in custody since his arrest on 16.09.2020.

The contents of the FIR, as noticed by the Additional Sessions Judge, Patiala in para 2 of the order dated 12.04.2021, are as under:-

“As per the prosecution version, the instant FIR has been registered on the statement of complainant Satvinder Singh son of major Singh resident of Buta Singh Wala, PS Ghagga, given to the police on 16.09.2020. Further, as per prosecution version, the complainant party and the applicant and others fixed a time for quarrel with each other on 16.09.2020 at about 2.30 noon at village Kakrala. The complainant belongs to

PUSU Group and the accused belongs to Bhangu Group and as per the settlement the persons belonging to both the groups reached near Dargah Peer Village Kakrala armed with deadly weapons. Baljinder Singh @ Nikka was armed with pistol and his other accomplices were armed with kirpan and Dandas and Baljinder Singh accused fired with intention to kill the complainant and others also caused injuries with sharp edged weapons to the complainant and his accomplices. Baljinder Singh was arrested on 18.09.2020. So, FIR was registered.”

Learned counsel for the petitioner has argued that in respect of alleged occurrence, the cross version was also registered and as per prosecution, the petitioner, who was armed with a pistol, had fired shots upon the complainant, however, no injury was suffered by him. He has pointed out that the investigation of the case is complete as the final report was filed on 16.12.2020, but the charges are yet to be framed. According to the learned counsel, the injured did not suffer any fire arm injury and, therefore, it would be debatable if the offence punishable under Section 307 IPC is made out. Learned counsel has prayed for bail, during the pendency of the trial.

On the other hand, learned State counsel, assisted by ASI Harwinder Singh, opposes the prayer, who submits that the petitioner participated in crime and weapon of offence was recovered from him. He has further pointed out that the petitioner had previously filed CRM-M-41119-2020, which was dismissed as withdrawn on 11.02.2021. He submits that there is no change in circumstances, therefore, the petitioner does not deserve the concession of regular bail.

At this stage, learned counsel for the petitioner has argued that the case is yet to reach the court of sessions, therefore, the custody of the

petitioner is not serving any useful purpose. According to her, both the sides have suffered injuries, therefore, the petitioner be released on bail.

This fact is not disputed by the learned State counsel.

After hearing the learned counsel for the parties, considering the above background and custody of the petitioner, this court is of the opinion that the trial is yet to commence with no possibility of its completion in near future as the case is yet to be committed to the Court of Sessions. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 16.09.2020.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Patiala.

July 20, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No