

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19286-2021

Date of decision: - 26.05.2021

Ravinder Kumar @ Sonu @ Sonu Rurka

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.
(keeping in view the advance copy given).

(Through Video Conferencing)

HARSIMRAN SINGH SETHI, J. (ORAL)

Present third petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No.196 dated 22.09.2019, under Sections 307, 34 & 120-B IPC and Section 25 of the Arms Act, 1959, registered at Police Station Rama Mandi, Jalandhar, District Jalandhar.

Learned counsel for the petitioner argues that the allegation alleged in the FIR against the petitioner is that he had injured Talwinder Singh with a fire shot injury. Learned counsel for the petitioner submits that the said Talwinder Singh has already been examined during the trial on 18.03.2021 and he has failed to identify the petitioner as the assailant,

who has injured him. The testimony of injured Talwinder Singh and some other witnesses to the same effect has been appended along with the present petition. Learned counsel for the petitioner further submits that once the injured victim has failed to identify the petitioner as the assailant, having inflicted the injury upon him, the petitioner is entitled for the grant of regular bail.

Notice of motion.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel does not dispute the fact that injured as well as the other witnesses who have testified so far have failed to identify the petitioner as the assailant, who has injured Talwinder Singh. Learned State counsel submits that merely non-identification by victim of the petitioner as the assailant does not mean that he is innocent as there are certain other witnesses, who are yet to be examined during the trial and it is only after the trial, the guilt or the innocence of the petitioner will be established.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, it is not disputed that victim Talwinder Singh, who as per the allegations allegedly got injured at the hands of the petitioner with a fire shot along with some other witnesses in their testimony have failed to identify him as assailant, petitioner has made a case for the grant of

regular bail.

This Court is not expressing any opinion with regard to the innocence or the guilt of the petitioner, at this stage, which will only be established by the trial Court after assessing all the material evidences which will come on record during the trial. The only aspect, which is being decided by this Court is whether keeping in view the facts and circumstances of the present case, where the victim has failed to identify the petitioner as the assailant causing him injury, any useful purpose will be served by keeping the petitioner behind the bars any further.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial in any manner and in case of default of the above undertaking, the State/complainant will be at liberty to approach this Court for passing appropriate orders.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

May 26, 2021
naresh.k

(**HARSIMRAN SINGH SETHI**)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No