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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.19455 of 2021 (O&M)

Date of decision: 25.05.2021

Harmanpreet Singh @ Hamma

....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') and 25, 27 of the Arms Act (Section 341 IPC added later) registered at Police Station Chheharta, District Amritsar.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Manik Sharma, he was travelling on a motorcycle along with Navraj Singh and in the meantime, the co-accused Avinash @ Bablu @ Basanti, the petitioner – Harman Hamma, Sahib and Raja Bullarh stopped their motorcycle and asked him to get off from the same and then, they caught hold of him and the petitioner fired a shot with his pistol, which hit on the stomach of the victim and thereafter, all of them ran away from the spot and the victim was admitted in a private hospital where he has undergone the

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treatment for a period of one week before his discharge.

Counsel for the petitioner has further submitted that the petitioner is in custody since 25.09.2020; he is not involved in any other case; challan stands presented and it will take some time in conclusion of the trial.

Counsel for the petitioner has also submitted that the petitioner, without prejudice to his right of defence, is ready to compensate the victim Manik Sharma by paying an amount of Rs.1.50 lacs by way of a demand draft towards his medical expenses.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail. Counsel for the State has also referred to the discharge certificate of the victim to submit that the petitioner considerably remain admitted in the hospital and was operated upon and therefore, the bail to the petitioner, who is the main accused, be not granted.

Without commenting anything on merits of the case, considering the fact that the petitioner is a young man aged about 19 years and has no criminal antecedents and he is in custody since 25.09.2020; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required; the investigation is complete 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/Illaq Magistrate/Duty Magistrate.

The petitioner will hand over a demand draft of Rs.1.50

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lacs, favouring the victim/complainant – Manik Sharma, at the time of furnishing the bail/surety bonds before the trial Court/Duty Magistrate/Illaqa Magistrate, which will be handed over to the victim/complainant – Manik Sharma, towards his medical expenses.

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

25.05.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No