

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

231

**CRM-M-21217-2021(O&M)
Decided on : 10.09.2021**

INDERPAL SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)**

PRESENT: Mr. S.S. Narula, Advocate
for the petitioner.

Mr. P.S. Walia, AAG Punjab

MANJARI NEHRU KAUL, J. (Oral)

CRM-28549-2021

This is an application under Section 482 Cr.P.C., for placing on record the final report under Section 173 CrPC (Annexure P-9).

Application is allowed and Annexure P-9 is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

CRM-M-21217-2021

This is the 2nd petition filed under Section 439 CrPC for grant of regular bail to the petitioner in case FIR No.343 dated 16.12.2020 registered under Sections 307/473/120-B of the IPC read with Section 25/27/54/59 of the Arms Act at Police Station Civil Lines, District Patiala.

Learned counsel for the petitioner *inter alia* contends that the

petitioner has been falsely implicated in the case in hand and that too on the basis of inadmissible evidence i.e., on the statements made by the co-accused while in custody. Learned counsel while inviting the attention of this Court to the contents of the FIR in question submits that it was registered against an unknown masked person, having short hair, who after entering the complainant's shop on 16.12.2020 at about 10:45 am, on the pretext of buying some gift, pulled out a pistol and fired twice at him. However, both the fires allegedly missed their target i.e., the complainant. The assailant thereafter fled in a car along with a person, who was seen on the CCTV waiting for him outside, in the market. Learned counsel contends that four days later, on 20.12.2020, a supplementary statement was made by the complainant. In the said statement, it was stated that he had been told by his son, who was working in Bangalore, that his friend, one Damanpreet Kaur's father, too was fired at, and injured in Chandigarh on 25.10.2020, for which an FIR stood registered against an unknown person. It was also stated by the complainant that his son had told him that since Damanpreet Kaur had turned down the marriage proposal of one boy, Inderpal (i.e., the present petitioner) he firmly believed that the petitioner in connivance with his friends i.e., co-accused, had tried to kill him as he happened to be the father of said Damanpreet's friend. Learned counsel contends that as per the FIR, the assailant was a person with short hair, whereas, the petitioner was a baptized Sikh having long hair. It was further submitted that neither was any test identification parade carried out of the petitioner nor were any empties

or weapon of offence and the car in which the assailant allegedly fled recovered from his possession, which could in any manner link the petitioner with the crime in question. Still further learned counsel contended that both the co-accused including the accused, who allegedly supplied the petitioner a pistol and cartridge and from whose possession recovery of the same was shown to have been effected, had already been extended the concession of bail on 25.03.2020. Learned counsel thus urged that it was very evident that there was no admissible evidence on record to link the petitioner with the alleged crime and hence he be extended the concession of bai

Per contra, learned State counsel while opposing the prayer and submissions of the learned counsel for the petitioner has submitted that the petitioner wanted to marry said Damanpreet Kaur, a friend of the complainant's son. Said Damanpreet Kaur had turned down the marriage proposal of the petitioner and this was the motive for him to commit the crime in question. Learned State counsel has however not been able to controvert the other submissions made by the learned counsel for the petitioner qua the factual aspects of the case including the fact that no test identification parade was carried out of the petitioner by the investigating agency.

Heard.

The petitioner has been in custody since 21.12.2020 and the challan stands presented. The trial is thus unlikely to conclude in the near

future. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything contained in this order shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 10, 2021
S.Sharma(syr)

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No