

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 214

CRM-M-20190-2020 (O&M)

Date of decision : 12.01.2021

Davinder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Vinod Ghai, Senior Advocate, with
 Mr.N.P.S.Mann, Advocate, and
 Ms.Kanika Ahuja, Advocate, for the petitioner.

 Mr.Amit Mehta, Sr.DAG, Punjab.

 Mr.P.S.Paul, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.204 dated 18.06.2020, registered under Sections 307/506 IPC and Sections 27/25 of the Arms Act, 1959 at Police Station Sohana, district S.A.S. Nagar (Mohali).

Briefly stated, the case of the prosecution is that on receiving a telephonic call from the petitioner the complainant went in his car and when he was on the Airport road near village Dairi the petitioner stopped the car and fired two shots at him with his 12 bore gun with one of the shots hitting him on his chest and the other on his thigh.

Seeking regular bail for the petitioner learned senior counsel submits that the petitioner has been falsely implicated in the present case; the medical record shows that on 16.06.2020 the complainant was admitted to Government Medical College, Sector 32, Chandigarh where he had stated that he had received the injury from an accidental fire; at the time of his admission the complainant had also refused his medico legal examination; there is no medical record showing any gun shot injury on the complainant's thigh; the only injury found on his chest could not be from a 12 bore gun as the same contained only a small plastic like foreign body which fact has been

acknowledged by FSL also; the complainant was discharged on 18.06.2020 and after an unexplained delay of 13 days he stated before the police that he was not conscious at the time of his admission and that the refusal with regard to his medico legal examination was by his attendant; the petitioner has already suffered incarceration for over seven months; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and that his trial which is yet to commence will take a long time to conclude.

Learned State counsel and learned counsel for the complainant oppose the grant of bail to the petitioner on the ground that the petitioner has caused a fire arm injury to the complainant and if released on bail he may influence the trial.

The effect of the medical evidence on record; the report from the FSL; the alleged refusal by the complainant to subject himself to a medico legal examination and absence of any injury on the petitioner's thigh would be debated during the course of the trial. However, the petitioner has been in custody for over seven months; he is not involved in any other criminal case; no further recovery is required to be made from him; report under Section 173 Cr.P.C. has already been filed and therefore he is not in a position to influence the investigation and that his trial, which is yet to commence, is likely to take a long time to conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, S.A.S. Nagar (Mohali), the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

12.01.2021
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No