

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.29240 of 2021 (O&M)

Date of Decision: September 20, 2021

Amrit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Himanshu Puri, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

Mr. Rajesh Bhateja, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

CRM-30726-2021

Petitioner has filed this application under Section 482 Cr.P.C.for addition of Section 201 IPC in the head-note as well as the prayer clause of the main petition.

Notice of the application.

At this stage, Mr.Ramandeep Sandhu, Sr.DAG, Punjab, accepts notice on behalf of the State and does not oppose the prayer.

For the reasons mentioned in the application, the same is allowed and addition of Section 201 IPC be reflected at appropriate place(s) in the main petition.

CRM-M-29240-2021

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.71 dated 29.05.2021, under Sections 307, 382, 323, 325, 341, 506, 148, 149, 120-B, 201 IPC, 1860 and Section 25 Arms Act, 1959, registered at Police Station, Banur, District Patiala, who is in custody since his arrest on 20.06.2021.

The above FIR was registered on the statement of Prem Singh, wherein it was stated that on 29.05.2021, he and his nephew Arvinder Singh alias Binda were going on motorcycle and at about 7:15 a.m., when they reached near road, they saw Buta Singh along with 8-10 persons with two vehicles. Buta Singh opened fire in the air from his revolver and raised exhortation (lalkara). Then he fired four shots from his revolver upon the complainant and one shot hit near his right shoulder, who fell down and then Buta Singh's brothers-in-law (sala & jija) gave rod blow and gandasi blow from reverse side to the complainant on his left biceps. Gurpreet Singh gave rod blows, whereas his son Pavneet Singh gave danda blows. Pavneet Singh, Gurpreet Singh, wife of Buta Singh and his mother gave danda blows to Arvinder Singh. During this period, some more unknown persons came in another vehicle, who gave kirpan blows on left little finger and on left arm of nephew of complainant. Buta Singh and Pavneet Singh also snatched an amount of Rs.50,000/- from complainant and mobile phone of his nephew. Thereafter, the said persons fled away from the spot. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that the FIR was lodged by Prem Singh co-villager of the petitioner, who had named eight accused persons in the alleged occurrence, wherein he and another person,

namely, Arvinder Singh suffered injuries. According to him, the fire arm injury suffered by complainant is attributed to Buta Singh, whereas the four persons, namely, Pavneet Singh, Surinder Kaur, Gurtej Singh and Ramandeep Kaur were found innocent after completion of investigation. He further submits that the petitioner was indicted after a delay of eight days on the basis of the supplementary statement dated 08.06.2021 made by the complainant, who stated that the petitioner also gave injuries to the complainant. According to him, the investigation of the case is complete, therefore, his further detention may not be necessary and prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Paramjit Singh, as well as counsel for the complainant, who have stated that though the petitioner is not named in the FIR, but he also accompanied the other assailants, who was armed with a danda. Learned counsel have not disputed this fact that the above mentioned four accused persons have been found innocent and the injury attributed to the petitioner is simple in nature.

After hearing the learned counsel for the parties and considering the above background, this court is of the opinion that as the investigation of the case is complete, so the further custody of the petitioner may not be necessary for any useful purpose, as the trial is yet to commence and it may take considerable time to conclude. The material witnesses in the case are either the injured themselves or police officials and there does not seem to be any possibility of their being won over.

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.

September 20, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No