

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-42726-2020 (O&M)
Date of Decision:-5.1.2021

Harjinder Singh @ Happy

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Umesh Sharma, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab assisted by
assisted by ASI Satnam Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.69 dated 9.12.2018 at Police Station Talwara, District Hoshiarpur under Sections 307 and 34 of Indian Penal Code and Section 25 of Arms Act.
2. The FIR was registered at the instance of injured/complainant Navjot Singh wherein it has been alleged that on 4.12.2018 when he was sitting in the office then at about 3:30 p.m. three young men entered his office two of whom were Harjinder Singh @ Happy (petitioner) and Sarabjit Singh @ Kali. The complainant alleged therein that third youth had tied a 'Patka' on

his head and was aged about 27-28 years and all three of them were carrying pistols. It is alleged that Harjinder Singh @ Happy fired at him hitting his left arm. Sarabjit Singh @ Kali is stated to have fired from his pistol hitting the inner side of left thigh of complainant. Harjinder Singh @ Happy fired another shot hitting the complainant below the left knee. The unknown youth who was carrying a pistol is also alleged to have fired on the right knee of the complainant. Harjinder Singh @ Happy is again alleged to have fired hitting below the right knee of the complainant and Sarabjit Singh @ Kali is also stated to have fired another shot hitting the inner side of right thigh.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and in fact the FIR has been lodged after consultations inasmuch as although the incident is alleged to have taken place on 04.12.2018, the statement of complainant came to be recorded on 09.12.2018. Learned counsel has further submitted that since co-accused Baljinder Singh has already been granted bail, the petitioner in any case deserves the concession of bail on the grounds of parity.
4. On the other hand, learned State counsel has opposed the petition and has submitted that not only the petitioner is specifically named in the FIR but he is attributed specific injuries as well and that out of the six injuries sustained by the injured, three gun-shot injuries are attributed to the petitioner. Learned State counsel has further submitted that the petitioner is a seasoned criminal and stands involved in six other cases and as such no ground for grant of bail is made out.
5. I have considered the rival submissions addressed before this Court.

6. A perusal of the FIR would show that the petitioner is specifically alleged to have fired at the complainant on his left arm and also on his left knee and is again alleged to have fired below his right knee. The aforesaid injuries are duly substantiated from the medical record. In these circumstances, wherein the allegations stand virtually substantiated, this Court does not find any ground for grant of bail. The petitioner cannot claim any benefit on grounds of parity on account of the fact that co-accused Baljinder Singh has been granted bail inasmuch as the role of Baljinder Singh is entirely different and he is not even named in the FIR and came to be nominated on the basis of an alleged undated supplementary statement. The petition being sans merit and is hereby dismissed.
7. The prosecution is, however, directed to take all necessary steps as may be possible under the present circumstances of spread of pandemic for expediting the trial provided that counsel for the accused extends full cooperation for the same. The statements of remaining prosecution witnesses and defence witness, if any, may either be recorded by physical process, if found safe and convenient subject to adherence of all the safeguards as prescribed by the Health Authorities or the possibility of recording the same through video conferencing be explored subject to the condition that defence counsel extends utmost cooperation for the same so that efforts may be made thereafter for hearing final arguments at the earliest.

5.1.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No