

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48106-2021 (O&M)
Date of decision: 23.11.2021

Jaswinder Singh @ Shinder

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Momi, Advocate and
Mr. Pratyush Sood, 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 in FIR No.121 dated 05.08.2021 under Sections 307, 148, 149 IPC read with Sections 25/27/54/59 of Arms Act, registered at Police Station Rajasansi, District Amritsar Rural.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Amanpreet Singh, he is serving as Driver in school van and on the date of incident, when he along with his brother were going to their village in a car, two cars i.e. a Swift car and a Fortuner car came from the backside and Fortuner car blocked their way. Then Gurbinder Singh @ Ghoga armed with .12 bore rifle, Parminder Singh @ Sabu armed with

revolver, both sons of Tarsem Singh, alighted from the car and their third brother Jaswinder Singh @ Sinder, armed with revolver, Dilbag Singh @ Bagha armed with baseball bat along with three unidentified persons alighted from Swift car and petitioner Jaswinder Singh @ Shinder raised a lalkara that Lovpreet Singh be taught a lesson. Thereafter, Gurbinder Singh @ Ghoga fired a shot with .12 bore rifle with an intention to kill and the pellet hit on left side of chest of the complainant. Parminder Singh @ Sabu fired from his revolver on his brother Lovpreet Singh, which hit on driver side window of their car and the petitioner fired with his country-made pistol, which hit on their car.

Learned counsel further submits that the present FIR has been registered as a counter-blast to FIR No.04 dated 05.01.2021 under Sections 307, 148, 149 IPC and Section 25 of Arms Act, registered at Police Station Ajnala, District Amritsar Rural, on the statement of petitioner's brother Parminder Singh that the complainant side has caused firearm injuries. It is also submitted that record of Fortis Hospital, Amritsar reveals that the victim in the said FIR received gun shot injuries, however, the police exonerated the complainant side, on the pretext that the firearm was used in drunken condition. It is next submitted that brother of the complainant namely Lovepreet Singh @ Landa is involved in one more FIR No.293 dated 25.01.2020 registered under Section 25 of Arms Act, at Police Station Majitha, District Amritsar Rural and he is not having clear antecedents.

Learned counsel has further submitted that at the given date and time, the petitioner along with his brother were present at their home and has relied upon the CCTV footage, which has been given to the police and is under

investigation. It is also argued that co-accused of the petitioner, namely Parminder Singh, who is alleged to have fired gun shot injuries on the car of Lovepreet Singh, from his revolver, has been exonerated by the police, whereas Dilbag Singh @ Bagha, who was armed with baseball bat, has already been granted the concession of regular bail by the Additional Sessions Judge. It is next submitted that the petitioner is in custody for the last 03 months; he is not involved in any other case; investigation is complete; it is a case of no injury, therefore, it will be a matter of trial whether the present FIR has been registered on account of the fact that on an earlier occasion, the complainant side has caused injuries to brother of the petitioner.

Learned State counsel, on the basis of custody certificate dated 22.11.2021, filed in the Court today, has not disputed the factual position.

After hearing learned counsel for the parties, without commenting anything further on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

23.11.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No