

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-1374-2021 (O&M)

DATE OF DECISION: FEBRUARY 4, 2022

KARANVIR SINGH @ HAPPY SANDHU ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. H.S. BRAR, SR. ADVOCATE
WITH MS. ANSHIKA SHARMA, ADOVCATE
FOR THE PETITIONER.

MR. RAMANDEEP SINGH SANDHU, SR.DAG. PUNJAB.

MANOJ BAJAJ, J.(ORAL)

CRM-955-2022

Documents (Annexure P-5 and P-6) are taken on record.

CRM is allowed.

CRM-M-1374-2021

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.131 dated 12.8.2019, under Section 307, 506, 120-B read with Section 34, 411 IPC and Section 25, 54, 59 Arms Act, Police Station Kot Bhai, District Sri Muktsar Sahib, who is in custody since his arrest on 13.8.2019.

The allegations contained in the FIR as noticed by the Sessions Judge, Sri Muktsar Sahib in the order dated 8.10.2020, are as under:-

“As per allegations, when complainant Satnam Singh alias Babba was visiting a shop of Hair Dresser in order to get a hair cut of his son Jasnoor, accused-applicant

Karanvir Singh alias Happy Sandhu of their village came there and fired at him with his pistol while he was inside the shop. When he bent himself in order to save his child from the shot fired at him, the shot hit him on his right thigh. After this when he again tried to fire at him, he gave him a push as a result of which he fell outside the shop and then made off from the spot along-with unidentified person on a motorcycle.”

Learned Senior counsel for the petitioner has argued that the alleged occurrence took place on 11.8.2019, and as per allegations, the petitioner fired from a pistol upon the complainant who suffered injury on his thigh. Learned counsel has invited the attention of the Court to the medical opinion dated 30.9.2019 and submitted that the said injury was caused by pellet and there is serious discrepancy regarding the weapon used in the crime. He has further drawn the attention of the Court to the FSL reports (Annexure P-5 & P-6) wherein no definite opinion has been given in respect of the hole in payjama of complainant which was allegedly caused by a shot fired from pistol. Learned counsel has argued that though the charges were framed on 4.1.2020, but till only one prosecution witness has been examined and the complainant is not appearing for deposition before the trial Court. He prays for bail.

On the other hand, learned State counsel assisted by ASI Gurmit Singh has opposed the aforesaid prayer on the ground that the petitioner is specifically named in the FIR who was armed with firearm weapon and caused injury upon the complainant. He submits that since the co-accused of the petitioner, namely, Pardeep Kumar who was released on bail has absconded, therefore, the trial is being delayed as the Court has issued

warrants to secure his presence. Learned State counsel has further pointed out that the FSL report dated 12.12.2019 relates to the deformed bullet and pistol which were sent for examination, therefore, the argument that pistol was not used in the crime has no merit. However, it is not disputed that out of total 22 prosecution witnesses, only one witness has been examined so far.

Considering the above background, the length of custody of the petitioner and the fact that conclusion of the trial is likely to take considerable time, therefore, further detention of the petitioner may not be necessary for any useful purpose as the petitioner is presently confined in judicial custody since 13.8.2019. Further the material witnesses are either the complainant or the 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, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

February 4, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No