

206 (2nd Case)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-8414-2021 (O&M)
Date of decision : 10.05.2022

Kulwant Singh @ Gopa

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Munish Khanngwal, Advocate,
for the petitioner.

Ms. Akshita Chauhan, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Second petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.94 dated 18.07.2018, under Sections 307, 323, 324, 427, 120-B, 148 & 149 of the Indian Penal Code, 1860 and Sections 25 & 27 of the Arms Act, 1959, registered at Police Station Chabbewal, District Hoshiarpur.

The above mentioned FIR was registered on the statement of one Baljit Singh @ Honey and translated version of the same reads as under:-

“...Statement of Baljit Singh @ Hunny s/o Balvir Singh, Caste Aadidharmi, rio Ghago Roran wali, Police station, Garhshankar aged about 22 years 99550 32651, stated that I am resident of above mentioned address and live in house after the completion of my studies. Today I

had gone to the house of my maternal grand parents at village Barian. Today at about 4.30 pm. when I was coming from the house of my maternal grand parents at village Barian on my motorcycles Bullet no PB-32-N-9900 that one passerby had taken lift from me and he sat pillion of my motorcycle When I was around 200 Sq. ft back from village Bahawal then a white colored car came from the front and driver of the car directly hit the car in my motorcycle. As a result we fell down then in the car five young boys which includes Ravi @ Balachoria, r/o Bilron armed with Pistol, Gopa r/o Atal Mazara armed with Pistol, Narinder r/o Chakronta armed with Pistol and two unidentified persons who were armed with kirpan and all of them attacked me with intention to kill. Ravi fired a shot in the air then after seeing them I ran towards southern side of the road and all the persons started chasing me. On around 100 sq. ft. I fell down in the corn fields. After falling down Ravi fired two shots which hit on my left leg then Gopa fired two shots which hit my right side of abdomen then the unidentified persons with intention to kill attacked me with kirpan and while saving myself it hit on my both arms, head and legs then Narinder fired shot upon me which hit on my abdomen as a result of which I had become unconscious and considering me dead they ran from the spot with their weapons in their vehicle: After that I don't know who took and admitted me to hospital The reason for attack is that my paternal uncle Kamal, who is behind bars in Holsharpur jail. Where Amna and Monu, r/o Hajipur and Honey Kumar @Kotti, rio Bilron two days before gave beatings to my Paternal uncle Kamal Now Amna and Honey kumar @kotti conspired a deadly attack upon me They gave beatings to me with

intention to kill Statement is written and heard and the same is correct They have also damaged my motorcycle with swords.”

This Court, on 26.08.2021, in the main case, passed the following order:-

“Contends that petitioner is in custody since 06.11.2018 and there is no progress in the trial as the charges are yet to be framed.

Learned State counsel seeks time to verify the above factual position.

Posted on 15.11.2021.

Keeping in view the custody of petitioner, let he be released on interim bail in this case on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

Learned counsel, on instructions from the petitioner, submits that he is regularly appearing before learned trial Court, but till date, not even a single prosecution witness has been examined. Although, petitioner is facing three other cases, but he is on bail in all of them.

The above factual position is duly acknowledged by learned State Counsel.

In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose. Consequently, the present petition is allowed and interim bail granted vide order dated 26.08.2021, is made absolute. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial

Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

Further, learned trial Court is requested to proceed in the matter expeditiously if there is no legal impediment.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

10.05.2022
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No