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

CRM-M No.10692 of 2022 (O&M)

Date of decision: 17.03.2022

Sham Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Paras Jagga, 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 to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.193 dated 15.11.2021, for offence punishable under Sections 307, 323, 341, 506, 336, 148, 149 of the Indian Penal Code, 1860 (in short 'IPC') and Section 25 of the Arms Act, registered at Police Station Julkan, District Patiala.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Gurjinder Singh, it is stated that Nepal Singh, Baj Singh, Paramjit Singh, Kashmir Singh, Babli @ Jasmer, Sham Singh (petitioner herein), Geja Singh @ Amrik Singh, came on a tractor driven by Nepal Singh and attacked him and caused injuries on account of having possession over the Shamlat land. It is further submitted that no specific attribution is made towards the petitioner as the primary allegation are against Nepal Singh, Paramjit Singh and Kashmir Singh, who have fired a shot regarding the dispute over the land. It is also submitted that the petitioner is the first offender, challan stands presented and he is in custody for the last 04 months.

This fact is not disputed by counsel for the State as per the allegations in the FIR.

Counsel for the State has further submitted that the co-accused Paramjit Singh raised a lalkara and handed over his gun to Nepal Singh and instigated him to fire towards the complainant and in the meantime, the other accused also came there and Nepal Singh fired a shot towards the complainant with intention to kill which hit on the left thigh and he fell down. Kashmir Singh also fired in air with his pistol and later on Baj Singh, also fired a shot towards the complainant and one Rupinder Singh suffered injuries on chest and left eye.

Without commenting anything on merits of the case, considering the fact that no specific injury is attributed to the petitioner – Sham Singh and also in view of the fact that the petitioner is in custody for the last 04 months; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

17.03.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No