

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-12958-2022

Date of Decision:-27.07.2022

Harwinder Singh @ Virk.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rahul Vats, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.03 dated 06.01.2022 under Sections 307 IPC and Sections 25 & 27 of the Arms Act registered at Police Station Division No.2, Commissionerate Ludhiana, District Ludhiana.

The brief facts of the case are that Harvinder Kumar @ Happy son of Surinder Pal got registered the present FIR with the allegations that he was circle incharge of Liquor Contract Shop Bagh Sufia Ludhiana and Harinder Singh Virk son of Lakhmir Singh resident of village Roshal Wal, Police Station Bhawani Garh used to collect cash in the night from the same circle Liquor Contract Shop for Friends Wine Company. On 05.01.2022 at about 10.00 pm when the accused along with Karan Kumar and Sandeep Singh along with Vicky Kanojia reached at the Liquor Contract Shop Bagh Sufia Ludhiana to collect cash then the petitioner got into arguments with him. On this account because of old animosity the petitioner who was armed with 32 bore pistol fired a shot at him with an intention to kill him and this shot struck his right leg. He was thereafter taken to hospital for

treatment.

During the pendency of this petition, an application had been moved for preponement of the case as it was the contention of the petitioner that his wife was suffering from various ailments. This Court had directed the examination of his wife Rajinder Kaur from Civil Hospital, Sangrur and today a report in this regard has been filed in the shape of Affidavit of Mr. Ramandeep Singh Bhullar, Assistant Commissioner of Police (Central), Ludhiana. As per the said report Annexure R-1 the board found that the patient was taking medicines orally and doing routine activities and could therefore take care of herself.

The Counsel for the petitioner, therefore, has addressed the Court on merits. He contends that the injury suffered by the complainant is on a non vital part of the body. The recovery of the pistol has already been effected, the investigation stands completed and report under Section 173 Cr.PC has been submitted. He contends that it would be a matter of adjudication during trial as to whether the petitioner could be said to have had an intention to cause death of the complainant as the injury suffered by the complainant is on a non vital part of the body. He contends that the petitioner is a first time offender, none of 12 prosecution witnesses have been examined so far and in view of the delay in conclusion of the trial the petitioner was entitled to the concession of regular bail.

The Counsel for the State on the other hand contends that the petitioner is the only accused and has been attributed a gunshot injury on the person of the complainant. He contends that the manner in which the occurrence took place does not entitle the petitioner to the grant of regular bail. He however does not dispute the factual position that the investigation stands completed, none of the prosecution witnesses have been examined so far and the petitioner is not involved in any other case.

I have heard learned Counsel for both the parties at length.

Admittedly the petitioner is a first time offender. The injured stands discharged from the hospital, the injury suffered by the complainant is on a non vital part of the body and does not seem to have been repeated. Therefore it would be a matter of adjudication during trial as to whether the offence under Section 307 IPC is made out or not. Further none of the prosecution witnesses have been examined so far.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner **Harwinder Singh @ Virk** son of Sh. Lakhmir Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the present case.

If any attempt whatsoever is made by the petitioner and/or his family members to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 27, 2022
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No