

206 (1st Case)

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

CRM-M-13926-2020 (O&M)

Date of decision : 10.05.2022

Narinder Kumar @ Ninder

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Simsi Dhir Malhotra, 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 interim bail pending trial to the petitioner in FIR No.94 dated 18.07.2018, under Sections 307, 323, 324, 148, 149, 427 & 120-B of the Indian Penal Code, 1860 and Sections 25 & 27 of the Arms Act, 1959, registered at Police Station Chabbewal, District Hoshiarpur, in the light of instructions issued vide Memo No.12/16/2020-2H7/796-800 dated 02.05.2020.

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

*“...Stated that I am resident of above said address
and after completion my education I am living at my*

home. Today at about 4:30 PM I was coming back my maternal house from Vill. Barian on my bullet motorcycle No.PB-32-N-9900 and on the way one passenger took lift from me and sat on the rear seat and when I was about 200 yards short of village Bahawal then a white colour car came from the opposite side and driver of the car state away hit his car in my motorcycle so we fell down, then five youth which includes Ravi @ Balachoria armed with pistol, Gopa resident of Atal Mazara armed with pistol, Narinder resident of Chak Rautan armed with pistol and two unidentified persons who armed with Kirpans attacked us with the intention to kill and immediately Ravi fired in the air and I ran towards southern side of the road after seeing them and all the above said persons chased me and I fell down in the maize field after covering a distance of 100 yards and while I was lying down Ravi fired two rounds on my left leg (Pinni) and then Gopa fired twice on my right flank and unidentified persons also gave blows with Kirpans continuously to me with the intention to kill and injuries were caused on arms, legs and head while saving myself. Then Narinder fired at me which hit on my flank and I became unconscious due to injuries and they fled away from the spot with their respective weapons on their vehicle considering me dead. I don't know who has got me admitted in the hospital. Motive behind the occurrence is that my uncle who is in Hoshiarpur Jail. Amna and Monu residents of Hajipur, Honey Kumar @ Koti resident of Bilron together gave injuries to my Uncle Kamal, Today prior to this occurrence so now Amna and Honey Kumar @ Koti managed this dangerous assault and they caused injuries to me with the intention to kill. I have dictated the

statement which is correct. They also damaged my motorcycle with Kirpans. LTI/ Baljit Singh @ Honey, Attested Sd/-Avtar Singh ASI PS Chabbewal, dated 18-07-2018.”

This Court, on 09.07.2020, while granting interim bail to the petitioner, passed the following order:-

“It has been pointed by learned counsel for the petitioner that in terms of Clause 8.1 of the instructions dated 02.05.2020, the petitioner is entitled to six weeks' interim bail.

Learned State counsel in all fairness stated that although case of the petitioner is covered under the relevant clause, but the learned trial Court has expressed apprehension that the petitioner is likely to tamper with the evidence, therefore, the matter be kept pending.

On request, adjourned to 24.08.2020.

Till next date of hearing, let the petitioner be released on interim bail on his furnishing bail bonds/surety bonds to the satisfaction of 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 09.07.2020, 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
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No