

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.18126 of 2021 (O&M)

Date of Decision: March 11, 2022

Rajvir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Arshdeep Singh Brar, Advocate,
for the petitioner.

Mr.Ramdeep Partap Singh, DAG, Punjab.

Mr.Navjinder Singh Sidhu, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

CRM-7279-2022

Prayer in the application is for issuance of directions to the trial court to allow the petitioner to put his signatures over the compromise agreement entered into between the parties.

Learned counsel for the petitioner does not press this application.

Dismissed as not pressed.

CRM-M-18126-2021 (O&M)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.175 dated 13.10.2020, under Sections 364, 379-B, 307, 506, 427, 323, 148, 149 IPC, 1860 and

Sections 25, 27 Arms Act, 1959, registered at Police Station, City South Moga, District Moga, who is in custody since his arrest on 26.10.2020.

The contents of the FIR, as noticed by the Additional Sessions Judge, Moga in his order dated 15.01.2021 while dismissing the bail application of the petitioner, read as under:-

“Present FIR has been lodged by complainant Harmanpreet Singh @ Ruby with the averment that he owns a Petrol Pump at Butter Kalan. As usual on 13.10.2020 he was going to Petrol Pump on his I-20 car bearing No.PB-13/BK-9909. It was 10.30 a.m. A silver colored Accent car came and was stopped in front of his vehicle about half kilometer away from canal near Kothe Jaitu Khosa, Charrik. Four persons namely Baldev Singh, Rajvir Singh (applicant-accused), Gaggu, Manpreet Singh @ Manni armed with pistols and two unidentified persons alighted from the said car. One of the unidentified person was armed with iron rod and another unidentified person was empty handed. Applicant-accused Rajvir Singh had fired at complainant injuring his left hand. Complainant was also armed with licensed .32 bore revolver and fired in self defence. He also came out of car. Co-accused gave iron rod blow on the left palm of complainant. Applicant-accused Rajvir Singh snatched license revolver from complainant and threw the complainant on the ground. Co-accused Harpreet Singh @ Happy and Manpreet Singh @ Mani started beating complainant and threw the complainant on back seat of car. Gold chain weighing two tolas, 10 cartridges of .12 bore, 15 cartridges of .32 bore along with sum of ₹1,50,000/- was snatched from the dash board and taken to Accent Car. Applicant-accused started driving the car of complainant with complainant in said car held hostage by two co-accused. Car was driven like this for two hours with Accent Car following it. After two hours car was stopped at Talwandi Bhangarian on a motor. Applicant-accused pulled up the skin of bicep of Baldev

Singh and fired with the revolver owned by complainant. Thereafter all accused started whispering for consequences of their act and conduct and made Baldev Singh to sit in car. They continued to threaten complainant to effect compromise otherwise they will kill him. Thereafter they left the car and went away. Complainant made phone call to his friend Gurdeep Singh on mobile phone borrowed from passers-by. He was taken to Civil Hospital. Motive for occurrence is that complainant was asking for repayment of loan of ₹.1,00,000/- taken by co-accused Baldev Singh for treatment of his mother.”

Learned counsel for the petitioner has argued that as per prosecution case, the petitioner, who was armed with fire arm weapon, caused gun shot injury on the right hand of complainant-injured. According to him, the other co-accused of the petitioner have already been released on bail and as the trial is not making any headway, his further detention behind the bars may not be necessary and prays for bail.

On the other hand, learned State counsel, assisted by SI Balbir Singh, has produced the custody certificate of the petitioner by way of affidavit of Rajiv Kumar Arora, PPS, Additional Superintendent, Central Prison Faridkot, which indicates that the petitioner is already in custody for a period of one year and four months and he is not involved in any other case. According to him, the petitioner was armed with revolver and had caused injury upon the injured, whereas the other accomplices had also given beatings to the complainant. According to him, the injury inviting the offence punishable under Section 307 IPC is attributed to him. He further states that though the charges were framed on 21.09.2021, but no prosecution witness has been examined so far.

After hearing the learned counsel for the parties, considering the above background, custody of the petitioner and the fact that the

material witnesses are either the complainant or the police officials and at present there does not seem to be any possibility of their being won over, this court is of the opinion that the further detention of the petitioner may not be necessary.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Moga.

March 11, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No