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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-30613-2022 in/and
CRM-M-17060-2022
Date of Decision: 31.08.2022

NAVPREET SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. S.S. Rang, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

JASJIT SINGH BEDI, J.(Oral)

CRM-30613-2022

The present application has been filed by the applicant-petitioner for placing on record copy of statements dated 26.07.2022 as Annexures P-6 and P-7.

For the reasons mentioned in the application, the same is allowed and the copy of statements dated 26.07.2022 as Annexures P-6 and P-7 are taken on record.

CRM-M-17060-2022

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.245 dated 14.11.2021 registered under Sections 307, 506, 34 IPC of the IPC, 1860 and Sections 25 and 27 of Arms Act, 1959 with Police Station Samrala, District Ludhiana.

2. The present FIR came to be registered at the instance of Hapreet Singh @ Harveer Singh son of late Khushwinder Singh who stated that he had come back from Dubai a few months back on 09.11.2021. His sister, mother Jaswinder Kaur and younger sister Gurbir Kaur had gone to Rasoolpur for attending a marriage. While he was alone in the house on 10.11.2021 at about 04.00 PM his friend Navpreet

Singh (the present petitioner) and Amritpal Singh son of Avtar Singh came to meet him. They all sat in the first floor of the house. Navpreet Singh was carrying a pistol. He demanded money and he (complainant) refused to give him any. On this Navpreet Singh threatened him and stated that if money was not given him, he (complainant) would be shot. Thereafter, Navpreet Singh fired a shot from his pistol which struck the right side of his chest and went through his throat and came out from his mouth and due to the said shot his teeth and jaw were broken. Thereafter, Navpreet Singh and Amritpal Singh took him to Sukhmani Hospital, Khamano, where they got him treated.

3. The learned counsel for the petitioner *inter alia* contends that the complainant, the petitioner and the accused are childhood friends and residents of the same village. In fact, the trigger of the pistol got pressed accidentally striking the chest of the complainant and he suffered injuries on that count. He contends that it is an accidental shot that had been fired. He further contends that the complainant-Harpreet Singh alias Harveer was examined as PW-1 and Jaswinder Kaur his mother as PW-2. None of them have supported the case of the prosecution. He thus, contends that the petitioner deserves the concession of regular bail, moreso, when he is in custody since 18.11.2021 and only 02 out of the 16 prosecution witnesses have been examined so far.

4. On the other hand, the learned State counsel while opposing a bail application submits that the petitioner is the main accused and merely because a compromise has been effected between the parties leading to the resiling of the two witnesses would not be a ground to grant the petitioner concession of regular bail. He however, does not dispute the period of custody undergone by the petitioner.

5. I have heard the rival contentions of both the parties.

6. Admittedly, the petitioner has been custody since 18.11.2021. Only 02 out of the 16 prosecution witnesses have been examined so far and none of them have supported the case of the prosecution. The Hon'ble Supreme Court in **“Dr. Gokarakonda Naga Saibaba Versus State of Maharashtra, 2016(2) RCR (Criminal) 675** and this Court in **“Devender Singh @ Devender Chhabra @ Tintu**

Versus State of Punjab, CRM-M-27957-2015 decided on 22.08.2016

has held that grant of bail can be considered, where witnesses stand examined.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Navpreet Singh son of Malkit Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

31.08.2022

JITESH

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No