

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

CRM-M-25186 of 2021

Date of Decision: 29.03.2022

Kaka Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. J.S. Sandhu, Advocate for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

HARINDER SINGH SIDHU, J

Prayer is for grant of regular bail in case FIR No.79 dated 06.04.2019 under Sections 307,325,323,201,34 IPC and Sections 25,27 of Arms Act registered at P.S Talwandi Sabo, District Bathinda.

FIR was lodged on the complaint of one Gurpreet Singh, who alleged that on 04.04.2019, he had gone to see his sister at village Behman Jassa Singh. His brother-in-law Sukhwinder Singh proceeded to see him off at Talwandi Sabo on his motorcycle. Sukhwinder Singh was driving the motorcycle whereas the complainant was pillion rider. At about 7.30 p.m, when they reached Bus Stand of village Gurusar, a motorcycle came from behind. It was being driven by Sadhu Singh with the petitioner being pillion rider. The petitioner was stated to be armed with pistol. Immediately thereafter, another motorcycle driven by Gurjant Singh came there. Gurjant Singh raised lalkara that Sukhwinder Singh be taught a lesson for causing injuries. The petitioner is alleged to have fired a shot directly at Sukhwinder Singh. The shot hit on left eye of Sukhwinder Singh

as a result of which he fell down. On alarm being raised, assailants fled away.

Learned counsel for the petitioner has placed on record MLR of Sukhwinder Singh. The injuries, as per the MLR, are as under:

- “1. Lacerated wound 15 cm x 10 cm covering whole of the left eye. Bones underlying can be seen. Fresh bleeding is present. Advised x-ray. Advised surgical opinion, ophthalmic opinion and orthopedic opinion.*
- 2. Lacerated wound 2 cm x 2 cm over the bridge of the nose bone deep. Advised x-ray. Advised surgical opinion. ENT opinion, orthopedic opinion.”*

He further submits that there is nothing in the MLR to indicate that the injuries were caused by shot fire from a pistol. The patient was found conscious. The petitioner has no concern with co-accused and that the pistol from which injuries were allegedly caused, has not been recovered. Complainant Gurpreet Singh, who is the sole eye witness of the incident, has not supported the case of prosecution. The petitioner has been in custody for the last more than one year and four months.

Without commenting anything on the merits of the case and also bearing in mind the facts of this case, in my opinion, no useful purpose will be served by detaining the petitioner behind bars any further. The petition, as such, is accepted. The petitioner Kaka Singh is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

This present petition stands accepted accordingly

March 29, 2022
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No