

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

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CRM-M-30809-2021 (O&M)

Date of Decision: 07.02.2022

Narinder Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. B.S.Jaswal, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

Mr. Gagandeep Singh, Advocate for the complainant.

ALKA SARIN, J. (Oral)

Taken up through video conferencing.

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.09 dated 28.01.2019 registered under Sections 307, 34 of the Indian Penal Code 1860 and Section 473, 411, 120B IPC and 25 of the Arms Act, 1959 at Police Station Bhaini Mian Khan, District Gurdaspur. The first petition of the petitioner being CRM-M-42145-2019 was dismissed as withdrawn on 12.11.2020.

Learned counsel for the petitioner would contend that as per the statement of the complainant a very improbable story has been put forth. Learned counsel for the petitioner would further contend that it is highly unlikely that in a small canteen, which can accommodate only 30-40 people, Satwinder Kaur i.e. wife of the victim would make such a statement within the hearing of the complainant.

Learned State counsel, on instructions from ASI Manjit Singh Singh, has stated that the injury received by the victim was a bullet injury in the head and the victim till date is in a paralytic condition.

Learned counsel for the complainant has stated that the bullet injury in the head of the victim has rendered the victim bed-ridden and paralytic. Counsel would further contend that the bullet could not be removed and is still lying embedded in the head of the victim.

Heard.

The allegation in the present FIR lodged by the brother of the victim Harjinder Singh are that his younger brother Kulwinder Singh alias Babbu, the injured aged about 35 years and who resides in America for the last 14 years, had come to India to get married. On 27.01.2019, at about 10:00 PM, the complainant returned home from his fields and after about 4-5 minutes, Kulwinder Singh-injured reached the house and about 10.05 PM there was a knock at the main gate and Kulwinder Singh went to open the same. The complainant is also stated to have followed Kulwinder Singh towards the gate. When Kulwinder Singh opened the gate, three young persons wearing caps and shawls were standing there. Though, there was an electric bulb in the courtyard and he tried to identify them but he could not. It is further alleged in the FIR that out of the three persons, one young person took out a revolver and fired at Kulwinder Singh which hit his forehead above the left eye.

As per the learned State counsel, on instructions from ASI Manjit Singh, the accused have since been identified. The trial in the present

case is almost at its fag end inasmuch as out of 32 witnesses, 8 have been examined and 14 witnesses have been given up and only 10 witnesses remain to be examined. The allegations in the present case are grave in nature inasmuch as the injured has been bed ridden and virtually reduced to a vegetative state as a result of the injury. The petitioner has been identified by the complainant as is apparent from a perusal of the complainant appended with the petition. The arguments raised by the counsel for the petitioner that a totally improbable story has been put forth by the complainant in his statement cannot be gone into at this stage and would be a matter to be gone into during the trial.

In view of the above, I do not find this to be a fit case for grant of regular bail to the petitioner. The petition is accordingly dismissed.

However, keeping in view the long custody period of the petitioner, the Trial Court may endeavour to expedite the proceedings of the trial.

It is made clear that any observation made herein shall not be treated as an opinion of expression on the merits of the case.

February 07, 2022
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO