

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

**CRM-M No.26351 of 2020 (O&M)
Date of Decision: 19.04.2022**

Mukhwinder Singh @ Mukha

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Umesh Aggarwal, Advocate for the petitioner.

Ms. Anu Chatrath, Addl. A.G., Punjab for the respondent.

Mr. Sartaj Singh Gill, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in FIR No.110 dated 23.06.2019 (P-1), under Sections 307, 34, 120-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959, registered at Police Station Majitha, Amritsar.

2. It transpires that above FIR was registered on the basis of statement made by one Chandeeep Singh s/o Sukhdev Singh, r/o Marari Khurd, age 28 years to the effect that he is an agriculturist and used to go for playing football in village Marari Kalan playground. On 21.06.2019, he went to playground in the evening to play football. Papalpreet Singh s/o Pargat Singh, Sukhpreet Singh s/o Mohan Singh and Dharamvir Singh s/o Jaspal Singh, r/o Marari Kalan came there in their Alto Car bearing registration No.PB-02-CC-1264. Papalpreet Singh threatened the complainant that he has posted some fake material on the social media and

for that, he shall be taught a lesson. After that, all of them went away in their Car. Complainant came back to home and informed his family members regarding the occurrence. Again on 22.06.2019 at about 8:30 PM, when complainant went to playground, then saw that Sukhpreet Singh armed with country made pistol and Mukhwinder Singh empty handed were standing there. Upon seeing the complainant, Mukhwinder Singh raised a *lalkara* that today, they will teach him a lesson for posting fake news. In the meanwhile, Sukhpreet Singh fired a gun shot from country made pistol with an intention to kill the complainant and pellets of the same hit on his right bicep on inner side, on the thumb of right hand and upon left side of his abdomen. On hearing the noise of gun shot, people gathered and upon seeing them, Sukhpreet Singh holding the pistol in hand along with Mukhwinder Singh fled away by riding on motorcycle make Splendor bearing registration No.PB-02-CN-641. The motive for the occurrence is that Palpreet Singh and Sukhpreet Singh have a doubt that complainant is posting fake news while using the I.D. in the name of Preet Grewal on his mobile number, but this is not correct. Thereafter, a vehicle was arranged and complainant was taken to civil Hospital Majitha, from where, Doctor referred him to Guru Nanak Dev Hospital.

3. This Court, on 27.11.2020, passed the following order:-

“ In pursuance of previous orders, reply by way of affidavit dated 22.10.2020 of Sh. Dhruv Dahiya, SSP, Amritsar (Rural) on behalf of the respondent has already been filed in the Registry. The same is taken on record. Registry to tag the same at appropriate place.

Perusal of aforesaid affidavit reveals that only allegation against the petitioner is ‘lalkara’.

Learned State Counsel seeks time to have further instructions in the matter.

On his request, adjourned to 24.02.2021.

In the meanwhile, petitioner will join the investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C. ”

4. Contends that in terms of the above order, petitioner has joined the investigation.
5. The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official concerned. Also states that custodial interrogation of the petitioner is not required.
6. In view of above, interim order dated 27.11.2020 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

Disposed off accordingly.

April 19th, 2022

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>