

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

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**CRM-M-34109 of 2022**  
**Date of Decision:09.08.2022**

**Kushal Chopra**

**---Petitioner**

**versus**

**State of Punjab**

**---Respondent**

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present: Mr. Ramandeep, Advocate  
for the petitioner

Ms. Amarjit Kaur Khurana, DAG, Punjab

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**VINOD S. BHARDWAJ, J. (ORAL)**

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "CrPC") by the petitioner for seeking concession of regular bail in case bearing FIR No. 72 dated 29.04.2022 under Sections 323, 307, 506, 148 and 149 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') and Sections 25 and 27 of the Arms Act, 1959 (however challan has been presented under Sections 323, 307, 506 and 34 IPC and Section 25 of the Arms Act) registered at Police Station Kotwali, District Patiala, Punjab

The FIR in the instant case was registered on the Statement of Balwinder Singh son of Waryam Singh, which reads thus:-

“On 29.04.2022 at about 12:00 P.M. Shiv Sena, Punjab was taking out a procession and was shouting slogans of *Khalistan Murdabad*. To oppose the said procession, various *Sikh Jathebandies* had held a *Dharna* near Gurudwara Sri

Dukhniwaran Sahib, Patiala, Subsequently, a noise of firing from the temple also was heard. One bullet pierced his (complainant) left thigh, as a result of which, he fell on the ground. Many police personnels were also present. He was shifted to Mata Kaushalya Hospital, Patiala, but they refused to admit him. Subsequently, he was shifted to Rajindra Hospital, Patiala. It was alleged that some unidentified Shiv Sena supporters had fired at him, to whom he can identify if brought before him.”

Learned counsel for the petitioner contends that the petitioner has been in judicial custody since 09.05.2022. Investigation in the case is already complete and that the petitioner is not required for any further investigation in the case. He further contends that the fire arm injury resulting in attracting Section 307 IPC is attributed to co-accused person namely Husanpreet Singh and that the said weapon has also been recovered from the said co-accused person. Learned counsel further contends that the only allegation against the petitioner is that he had helped the said assailant to fire the weapon.

Learned counsel further contends that as a matter of fact, the incident in question had not taken place in the manner as projected. He places reliance on the CCTV footage appended as Annexure P-3 to contend that gun fire shot is from the weapon held by the police official.

Learned State counsel, however, contends that the submission of the petitioner that the police official had fired a shot is unworthy of any credence inasmuch as the ballistic report sent by the FSL shows that injury had been caused as a result of the weapon recovered from the co-accused

person namely Husanpreet Singh. She, however, does not controvert the fact that the allegations of firing the weapon and recovery of the said weapon has been attributed to the co-accused person. She, however, does not dispute the fact that the investigation in the case is already complete and that charge has not been framed in the instant case. There are as many as 34 prosecution witness that are to be examined in the present case.

I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

Taking into consideration the circumstances noticed above, the stage of trial, the period of actual custody undergone by the petitioner, his young age of 21 years and the attribution against him including the factum that he is not further required for investigation in the instant case, the instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)  
JUDGE

09.08.2022

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No