

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-14.12.2022

CRM-M-34564-2022

Tirath Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Ms. G.K. Mann, Senior Advocate assisted by
Mr. Anmol Jeevan Singh Gill, Advocate &
Ms. Simrat Kaur, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

Mr. Vaibhav Narang, Advocate for the Complainant.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.39 dated 31.03.2022 under Sections 307, 341, 323, 324, 326, 148, 149 IPC and Sections 25 & 27 of Arms Act registered at Police Station Chattiwind, Amritsar Rural, District Amritsar.

The brief facts of the case are that the present FIR came to be registered at the instance of Paramjit Singh who stated that he was an agriculturist. At about 3.30 PM in the afternoon his nephew Amritpal Singh son of Avtar Singh and Robinpreet Singh son of Nirwail Singh were going on their motor cycle towards Dubarji. He also was going on his motor cycle in the same direction Opposite the Govt. Veterinary Hospital.

Tirath Singh son of Angrej Singh armed with rifle double barrel 12 bore,

Karaj Singh son of Angrej Singh armed with 315 bore rifle, Malak Singh son of Karaj Singh armed with *Datar* and two other unknown persons were standing and they all stopped the motor cycle of his nephew. Karaj Singh raised a *lalkara* and opened fire in the air with his 315 bore rifle. Tirath Singh (petitioner) fired from his 12 bore rifle with an intention to kill towards Amritpal Singh which hit his left ankle due to which his nephew fell down. While he was lying down Malak Singh and the unknown persons attacked his nephew Amritpal Singh and Robinpreet Singh with *datars* which hit them on their body. On seeing the accused giving injuries he raised a *raul* and the accused fled away from the spot. Amritpal Singh and Robinpreet Singh were admitted to the hospital. The reason for the grudge was that his daughter (complainant's daughter) had performed a love marriage with Tirath Singh which was not acceptable to him and his family due to which Tirath Singh had a grudge against his family (complainant's family).

The learned Senior Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. No offence under Section 307 IPC is made out because the injury allegedly caused by the gunshot of the petitioner is near the left ankle of the nephew of the complainant, namely, Amritpal Singh who has since been released from the hospital. The petitioner is in custody since 16.04.2022 and none of the 20 prosecution witnesses have been examined so far. Since the petitioner was a first time offender and the Trial has not made any progress, the petitioner is entitled to the grant of bail.

The Counsel for the State on the other hand while referring to the reply dated 29.09.2022 contends that the petitioner is the main accused

having been attributed the injury attracting Section 307 IPC. Victim Amritpal Singh had to undergo multiple surgeries. During the course of investigation, the statements of victims Amritpal Singh and Robinpreet Singh were recorded under Section 161 Cr.PC and their bloodstained shirts were taken into possession. The said witnesses corroborated the allegations levelled in the FIR. Based on the statements of the victims, Harpreet Singh @ Harp and Angrej Singh were also nominated as co-accused. The weapon of the offence was recovered from the petitioner which actually belongs to Angrej Singh, father of the petitioner. He thus contends that the petitioner is not entitled to the grant of bail looking at the seriousness of the allegations levelled against him and the manner in which the attack was carried out.

I have heard learned Counsel for the parties at length.

The petitioner is a first time offender and is in custody since 16.04.2022. None of the 20 prosecution witnesses have been examined so far and therefore the trial is not likely to be concluded in the near future. As per the reply of the State, though the victim Amritpal Singh suffered serious injuries, at the present moment he has no major difficulty in walking, though he still cannot walk as a normal person. Be that as it may, at this stage, the further incarceration of the petitioner is not required.

Thus, without commenting on the merits of the case, the present petitions are allowed and petitioner-**Tirath Singh** son of Angrej Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the

present case.

If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

In addition, the petitioner (or any one on their behalf) shall prepare a FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

December 14, 2022

Vinay

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