

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-36417-2022(O&M)

Date of decision : 06.09.2022

Sunil Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Kanwar Pahul Singh, Advocate
for the petitioner.

Mr.Ramdeep Partap Singh, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.59 dated 30.03.2022 registered under Sections 307, 379-B(2), 34 IPC and Section 25 of the Arms Act, 1959 at Police Station Sadar Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 04.04.2022 and the investigation is complete and the challan has already been presented and there are 10 witnesses out of which, none have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is further submitted that in the present case, one of the co-accused Harpreet Singh @ Babbi has suffered two gun shots injuries, inflicted by the complainant and on the other hand, the injuries suffered by the complainant are all simple in nature and thus, the offence under Section 307 IPC is not

has been effected from the present petitioner and no specific injury has been attributed to the present petitioner.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner, along with two other persons, had tried to snatch the motor cycle of the complainant and the complainant had fired in self defence. However, the other facts have not been disputed.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 04.04.2022 and the investigation is complete and the challan has already been presented and there are 10 witnesses, out of which, none have been examined and thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case. The co-accused of the petitioner, Harpreet Singh @ Babbi has received two gun shots injuries inflicted by the complainant, although, it is stated that same had been done in self defence. The injuries suffered by the complainant are simple in nature. No recovery has been effected from the present petitioner and no specific injury has been attributed to the present petitioner.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses,

then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

September 06, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No