

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-44728-2021

DATE OF DECISION: MARCH 2, 2022

NEERAJ SAHU

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. H.S. BAATH, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.171 dated 8.7.2021, under Section 307, 323, 34 IPC (Section 148, 149 IPC deleted and Section 34 IPC added later on) and Section 27 Arms Act, Police Station Model Town, District Hoshiarpur, who is in custody since his arrest on 14.7.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Hoshiarpur, in the order dated 11.11.2021, are as under:-

“Version of prosecution in brief is that on 8.7.2021, MLR No.116/VS/CH/HSP/July/2021 of injured Manpreet Singh @ Mammu son of Balram Singh, resident of Mohalla New Fatehgarh, Police Station Model Town, Hoshiarpur was received from Civil Hospital, Hoshiarpur. When ASI Rashapl Singh visited there and got fitness opinion, injured was declared fit but he did not make statement. Then, it was informed that Manpreet Singh was taken to IVY hospital, Hoshiarpur from where the doctor informed that he has been referred to higher institution.

Theater, a telephonic message received regarding admission of the injured at IVY, Sector 71, Mohali, on which ASI Hans Raj alongwith other police officials went there and moved application. After obtaining fitness opinion from the concerned doctor, he got recorded the statement of injured-complainant Manpreet Singh to the effect that, he is running a dairy at his house. On 7.7.2021 he alongwith his friend had returned from 'Mata Chintpurni' at about 11.30 P.M and after leaving the car of his friend namely Kala Sarup Singh at Suthari Road, Hoshiarpur, he was going to his house on foot. Then, he received phone call of Naveen Kumar, who asked him to meet him and he is present outside his house. When, the complainant reached near the Shiv Mandir, then, Naveen Kumar, his brother Ganesh Kumar, sister Kanti, her husband and his mother were standing there. When the complainant reached near them then, Naveen Kumar with his licensed revolver fired three gun shouts upon the complainant out of which one bullet was struck in his left thigh, second struck on left side of his chest and the third bullet was crossed by touching his ear as a result of which, he fell down and then Ganesh Kumar gave two blows of 'Danda' which hit on the left side of his head and on the forehead. Then, the brother-in-law (Jija) of Naveen Kumar gave 'Danda' blows and caused injuries to the complainant. The sister and mother of Naveen Kumar also caused injuries to him. Above said persons also tried to took the complainant in their house. Then, he raised hue and cry for help and on hearing his cries, his uncle Ranjit Singh reached at the spot and on seeing him the above said persons slipped away alongwith their respective weapons from the spot. His uncle Ranjit Singh and others arranged the vehicle

and took him at Civil Hospital, Hoshiarpur, then he took to IVY hospital, Hoshiarpur from where he was referred to IVY Hospital, Sector 71, Mohali. He further stated that accused Naveen Kumar is having grudge with him due to party fraction, therefore, the accused attacked upon him with intention to kill him. He prayed for taking legal action against the accused.”

Learned counsel for the petitioner has argued that the petitioner had not been named in the FIR and after completion of the investigation, three accused, namely, Ganesh, Kanti Kumari and Chandrawati Devi who were named in the FIR were found innocent. According to him, the alleged gun-shot causing injury to the injured punishable under Section 307 IPC was fired by co-accused Naveen from whom the weapon of offence has also been recovered. According to him, the petitioner being brother-in-law of Naveen has been falsely implicated and prays for bail.

On the other hand, learned State counsel assisted by ASI Satnam Singh has opposed the aforesaid prayer on the ground that the petitioner participated in the crime and was present when the injuries were given. However, it is not disputed that the investigation of the case is complete and the accused who was attributed the alleged gun shot injury was declared innocent on the basis of an enquiry.

Considering the above background, the length of custody of the petitioner, the further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude. The material witnesses are either injured or police officials and there does seem to be any possibility of their being won-over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

March 2, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No