

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

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**CRM-M No.43019 of 2020
Date of Decision:25.01.2022**

SUKHWANT SINGH @ BHOLA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Naveen Sharma, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.159 dated 08.09.2019, registered under Section 302/307/120-B/34 IPC and 25/27 of Arms Act, 1959, at Police Station City Kotkapura, District Faridkot.

Learned counsel for the petitioner submits that initially the petitioner was not named in the FIR but has been later on falsely implicated in the present case; that no firearm injury has been attributed to the petitioner and that it is a case of version and cross-version and it is yet to be ascertained as to which party was the aggressor one. He further submits that the petitioner has been in custody since 10.09.2019.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel submits that in cross-version case i.e. DDR No.49 dated 11.10.2019, under Section 307 IPC, Police Station Kotakpura, cancellation has been filed, as it was found that the cross-firing had taken place in defence only. She further submits that there are specific and serious allegations against the petitioner, inasmuch as, he had actively participated in the occurrence and he along with other assailants had fled away from the spot on a motorcycle. Still further, it is submitted that as per the ballistic report, the weapon used in the occurrence along with the cartridges, was recovered from the petitioner.

I have heard the learned counsel for the parties.

The sole case of the petitioner is that it is a case of version and cross-version but, as noticed above, the cross-case has been found to be without any substances and the police has, accordingly, filed a cancellation report. Specific role and injury has been attributed to the petitioner. Even the recovery of the weapon used in the commission of the offence was also effected from the petitioner.

In view the above, no case is made out for grant of regular bail to the petitioner.

Dismissed.

(HARNARESH SINGH GILL)
JUDGE

January 25, 2022

Jyoti-T Whether speaking/reasoned Yes/No Whether Reportable Yes/No