

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

203

**CRM-M-49926-2021
Decided on : 06.06.2022**

Amandeep Singh @ Aman

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Veneet Sharma, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Ranwant Sangha, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

Learned State counsel in compliance of the order dated 05.05.2022 of this Court, has filed a short reply by way of an affidavit of Balbir Singh, PPS, Deputy Supdt. Of Police, Sub Division Atari, Amritsar Rural, Punjab, on behalf of the State, in Court today. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place in the case file.

The petitioner is seeking the concession of bail in case FIR No. 145, dated 24.06.2021, lodged under Sections 307, 452, 506 read with Section 34 of IPC, 1860 and Sections 25, 27 of the Arms Act, 1959, registered at Police Station Gharinda, Amritsar Rural, District Amritsar.

Learned counsel *inter alia* submits that on the face of it, the petitioner has been falsely implicated in the instant case, on account of a history of animosity between the parties. He submits that a fabricated version having been brought forth against the petitioner, who has been in

custody for almost a year now, is evident from the following admitted facts:-

- (i) That allegedly the petitioner fired from his firearm (pistol) on the testicles of injured Sherbir Singh on 24.06.2021. However, strangely Sherbir Singh was medico legally examined only after 24 days of the alleged occurrence and still further the MLR of the injured Sherbir Singh did not even obliquely reveal any such firearm injury. In support, he has drawn the attention of this Court to the MLR of injured Sherbir Singh (annexed as Annexure P-2), wherein, the Doctor has just noted:

“SCAR MARK 1 CM X 1 CM ON THE LEFT INGUINO SCROTAL REGION, 6 CM FROM THE PUBIC SYMPHYSIS. KEPT UNDER XRAY OBSERVATION.”

Learned counsel submits that had there been any grain of truth in the allegations that Sherbir Singh had indeed been fired at, with a firearm and that too on his testicles, he would have in all likelihood not survived the attack and still further would not have waited for 24 days to get himself medico legally examined.

- (iii) That the report of Forensic Ballistics Expert was totally contrary to the allegations levelled in the FIR in question, as no corresponding hole was found on the clothes including the underwear sent to the FSL and still further there was a categorical opinion of the Ballistic Expert that even the suspected hole present on the underwear had not been caused by the projectile of firearm.

Learned counsel submits that investigation is complete and the

trial will take considerable time to conclude. Hence, the petitioner be

extended the concession of bail, as his further incarceration would serve no useful purpose

On the other hand, learned State counsel assisted by learned counsel for the complainant, has opposed the prayer made by the counsel opposite. Learned State counsel has, however, fairly admitted that as per the Forensic Ballistic Expert's report no corresponding hole was seen in the underwear sent nor did the physical and chemical examination of the case property i.e. underwear indicate that the suspected hole had been caused by the projectile of firearm.

Learned counsel for the complainant, however, submits that the police was hand in glove with the accused and the delay in getting son of the complainant i.e. Sherbir Singh medico legally examined, was on account of the collusion between the petitioner and the police. He submits that Sherbir Singh was medically treated at a private hospital soon after the occurrence in question. However, he was unable to controvert the opinion of the Doctor in the MLR of Sherbir Singh, wherein, only a scar, as detailed earlier, was noticed by him and also the contents of the FSL report, which has been placed on record today by the learned counsel for the complainant.

I have heard learned counsel for the parties and perused the relevant material on record.

The petitioner has been in custody since 07.07.2021 and is not involved in any other criminal case. The investigation is complete and charges have not yet been framed. Hence, the trial is unlikely to conclude in the near future. Thus, in the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. The petition is allowed and the petitioner is admitted to bail to

the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

June 06, 2022
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*