

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

**CRM-M-49476-2021**

**Date of decision-25.02.2022**

**Boota Singh @ Buta Singh ....Petitioner**

**Vs.**

**State of Punjab ...Respondent**

**CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. G.S.Brar, Advocate and  
Mr. D.S.Walia, Advocate for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.

Mr. Vishal Sharma, Advocate for the complainant.

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**MANOJ BAJAJ, J.**

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.71 dated 29.05.2021 under Sections 307, 382, 325, 341, 506, 201, 148 and 149 Indian Penal Code, 1860 and Section 25 Arms Act, 1959 registered at Police Station Banur, District Patiala, who is in custody since his arrest on 30.05.2021.

The above FIR was registered on the statement of Prem Singh, wherein it was stated that on 29.05.2021, he and his nephew Arvinder Singh alias Binda were going on motorcycle and at about 7:15 a.m., when they reached near road, they saw Buta Singh along with 8-10 persons with two vehicles. Buta Singh opened fire in the air from his revolver and raised exhortation (lalkara). Then he fired four shots from

his revolver upon the complainant and one shot hit near his right shoulder, who fell down and then Buta Singh's brothers-in-law ( sala & jija) gave rod blow and gandasi blow from reverse side to the complainant on his left biceps. Gurpreet Singh gave rod blows, whereas his son Pavneet Singh gave danda blows. Pavneet Singh, Gurpreet Singh, wife of Buta Singh and his mother gave danda blows to Arvinder Singh. During this period, some more unknown persons came in another vehicle, who gave kirpan blows on left little finger and on left arm of nephew of complainant. Buta Singh and Pavneet Singh also snatched an amount of Rs.50,000/- from complainant and mobile phone of his nephew. Thereafter, the said persons fled away from the spot. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that in the alleged occurrence, petitioner also received eight injuries and in this regard he has invited the attention of the Court to the medico lego report dated 29.05.2021 (Annexure P-7). He has further submitted that the petitioner acted in his defence and caused injuries upon the complainant, namely, Prem Singh. He used his licensed weapon and the said injuries were on the non-vital parts i.e. right shoulder. He submits that though the complainant had levelled allegations against the six accused persons, however, after completion of investigation, three accused persons, namely, Surinder @ Chinda, Pavneet and Gurtej were found innocent. According to him, a complaint given by the petitioner for registration of case against complainant of FIR and others, was not

looked into for a long time and the DDR was registered on 25.09.2021 (Annexure P-10). Learned counsel has argued that it would be seen during trial that which party was aggressor, therefore, further custody of the petitioner may not be necessary as the investigation is complete. He further submits that co-accused of the petitioner has already been granted the concession of regular bail vide order dated 20.09.2021 (Annexure P-11) passed by this Court. He prays for bail.

On the other hand, learned State counsel assisted by ASI Paramjit Singh and learned counsel for the complainant have argued that the petitioner caused fire arm injuries upon the complainant, when he was going to get milk in the morning and was accompanied by other assailants, however, it is not disputed by learned State counsel that in the said occurrence, the petitioner also suffered injuries. Learned counsel for the complainant disputes the stand of learned counsel for the petitioner that cross case is made out, but is unable to support his argument. He concedes that though the complainant had named six accused persons in the FIR, but three of them were found innocent.

Apart from the above, learned State counsel has produced the custody certificate dated 25.02.2022 filed by way of affidavit of Harjot Singh Klair, PPS, Deputy Superintendent, Central Prison, Patiala, which indicates that petitioner is not involved in any other case.

Considering the above background, petitioner's custody, and nature of the offences, this Court is of the opinion that the conclusion of trial is likely to consume considerable time, therefore,

further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody after his arrest on 30.05.2021. Further, the material witnesses in the case are either the injured themselves or the police officials and there does not 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 subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned/Duty Magistrate.

The petition is allowed.

25.02.2022

vanita

(MANOJ BAJAJ)  
JUDGE

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|-----------------------------|-----|----|
| Whether speaking/reasoned : | Yes | No |
| Whether Reportable :        | Yes | No |