

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46767-2022 (O&M)

Date of Decision: 17.10.2022

Chamkaur Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. H.S. Randhawa, Advocate, for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No. 59 dated 20.06.2021, under Sections 307, 341, 323, 148, 149 IPC and Sections 25 and 27 of Arms Act, registered at Police Station Sadar Rampura, District Bathinda.

Learned counsel for the petitioner has submitted that the petitioner is in custody from 02.07.2021 which is more than 1 year and 3 months. He submitted that it is a case where a cross fight had taken place between the parties and rather the petitioner himself was injured and at his instance a DDR was got lodged. He further submitted that the dispute was with regard to possession of land and the petitioner is at parity with the other co-accused namely, Manjit Singh and Surjit Singh who have been

granted bail by this Court with a little difference that the role attributable to the petitioner was that he had fired from a double barreled gun which was otherwise a licensed gun. He further submitted that be that as it may, the investigation of the case has already been completed and thereafter, challan has been presented before the competent Court and now the matter is fixed for framing of charges. He further submitted that although the petitioner is involved in three more cases but the same cannot become a ground for denial of bail to the petitioner in the present case since it is to be ascertained at the time of trial as to who is the aggressor party since both the parties have received injuries.

On the other hand, Mr. Amit Rana, learned Senior Deputy Advocate General, Punjab has submitted that it is correct that the petitioner has faced incarceration for about 1 year and 3 months and the matter is now fixed for framing of charges. He further submitted that in an application under Section 193 Cr.P.C, the other co-accused were summoned and regarding which a petition was filed before this Court in which interim order regarding stay has also been passed. He further submitted that the petitioner was the main accused in the present case and he is not at parity with the other two accused who have been granted bail by this Court.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for about 1 year and 3 months and investigation of the case has been completed. As per the learned counsel for the parties, no recovery is to be effected from the petitioner and allegedly the petitioner had made a firearm injury by way of a double barreled gun which according to the learned counsel for the petitioner was a

licensed gun. The other two co-accused who have been granted bail by this Court and the petitioner are not at parity but as per facts and circumstances, the investigation of the case has already been completed and in an application under Section 193 Cr.P.C, the other co-accused were summoned and regarding which a petition was filed before this Court in which interim orders regarding stay has also been passed. As per the learned counsel for the parties, even the petitioner at whose instance the cross DDR was lodged was also injured and received four injuries including one sharp injury on the head and it is yet to be ascertained at the time of trial as to who is the aggressor party especially in view of the fact that as per the learned counsel for the parties the petitioner had fired from a licensed gun. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

17.10.2022

(JASGURPREET SINGH PURI)

rakesh

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No