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

CRM-M-310-2023

Date of decision : 12.01.2023

Bhupinder Singh @ Laddi**...Petitioner****Vs.****State of Punjab****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

*********MANOJ BAJAJ, J.**

Petitioner has filed this third petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.57 dated 14.03.2021 registered under Sections 307, 353, 186, 148 and 149 Indian Penal Code, 1860 and Section 25 Arms Act, 1959 at Police Station Division-A, Amritsar, who is in custody since his arrest on 17.03.2021.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Amritsar in the order dated 09.11.2022 are as under:-

“The present case has been registered against the accused-applicant along with co-accused on the statement of ASI Kashmir Singh who in his statement specifically stated that in the intervening night of 13/14.3.2021, he was on duty at Emergency Ward, Civil Hospital, Amritsar. At about 12.00 night, Rahul Negi son of Satish Kumar, resident of 12 Makan, Islamabad, Amritsar alongwith his brother Mani Negi and his friend Ishu son of Santosh Kumar, resident of Love Kush Nagar, Putlighar came to the hospital for medico legally examination, due to fight in the area of P.S.Cantonment. Where Dr.Bhavneet Singh gave medico legal report of Rahul Negi, who went for conducting his X-ray examination. In the meantime, 10/12 persons came in

Emergency room and started to quarrel with Rahul Negi. He and Dr.Bhavneet Singh were sitting in EMO room. They came out alongwith staff member Harish Sharma, Nursing Staff Prince Pal Singh, Class IV and told them to leave the room. Thereafter, the persons left the Emergency room. He and Dr.Bhavneet Singh were standing outside the room. In the meantime, out of those persons, two unknown persons out of them, one was having pistol in order to kill them fired shots upon them, out of which one fire shot hit to Dr.Bhavneet Singh on his left leg.

Perusal of the file further reveals that during interrogation, accused himself suffered confessional statement to the effect that in the intervening night of 13/14.3.2021, he received mobile call of his friend Raghu, resident of Majitha Road, to the effect that an altercation took place in between Sunny Sahota and his in-laws and asked him to come at Civil Hospital with his pistol. He reached the spot alongwith pistol and Sunny Sahota took pistol from him and started firing and after using the pistol, he returned the same to him. Similarly, Vinod Sahota, co- accused of the accused-applicant who has been arrested in this case on 17.3.2021 made confessional statement before the police on 21.3.2021 that he gave fire shot injury to injured Dr.Bhavneet Singh after taking the said pistol from the accused-applicant. The accused- applicant alongwith his co accused being members of unlawful assembly actively participated in the alleged occurrence.”

Learned counsel for the petitioner has argued that the FIR was lodged on the basis of the statement made by ASI Kashmir Singh and as per the allegations, injured Dr.Bhavneet Singh was attacked by few assailants in the emergency room of the Civil Hospital, Amritsar and the assailants were specifically named by the complainant, wherein name of the petitioner does not figure. He submits that apart from it, gunshot injury inviting the offence punishable under Section 307 IPC is attributed to co-accused, namely, Sunny and during the trial, the material witnesses have been examined including the injured, who was declared hostile. He prays for bail.

The prayer is opposed by learned State counsel, who is assisted by SI Sarwan Singh on the ground that the offence is serious, however, she does

not dispute this fact that the material witnesses, including the injured have been examined. According to her, in all there are 21 prosecution witnesses and still 16 witnesses remain to be examined. She further states that the petitioner is not involved in any other case much less of similar nature.

After hearing learned counsel for the parties, considering the above background, the custody of the petitioner and the fact that the material witnesses have been examined, 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 17.03.2021.

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/Duty Magistrate concerned.

The petition is allowed.

12.01.2023

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(MANOJ BAJAJ)
JUDGE

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