

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-12490-2023
Date of Decision.:11.12.2023

Dharminder Kumar @ Dhammi
Vs.
State of Punjab

.....Petitioner
.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Amanpreet Singh, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.0038 dated 10.03.2021 registered under Sections 307, 325, 506, 34 of the IPC, 1860 & Sections 25 & 29 of Arms Act, 1959 registered at Police Station Sangat, District Bathinda.

2. As per allegations, on 09.03.2021 at about 08:30 p.m. one Wagon-R Car stopped near the complainant Karnail Singh. Two young persons alighted from the car who asked the complainant to hand over his mobile or otherwise they would shoot him. Another young person alighted from the car having pistol. Complainant tried to flee away but one of the young person with intention to kill, fired upon the complainant, hitting on his right thigh. Further prosecution case is that on 23.03.2021, complainant made a supplementary statement in which petitioner is identified to be one of the assailant.

3. It is contended by learned counsel for the petitioner that petitioner has been falsely implicated. It is specifically pointed out that in the initial version given on 09.03.2021, nobody is named by the complainant. It is not even any statement of the complainant that he could identify the culprits. However after 14 days, complainant has made a supplementary statement, without specifying as to on what basis he has named the petitioner to be the culprit. Learned counsel further drawn attention towards the status report, which reveals that as per investigation the shot by pistol was fired by co-accused Kulwinder Singh.

4. Status report by way of an affidavit of Shri Jagroop Singh, SHO, No.177/Mansa, P.S. Sangat, District Bathinda has been filed on behalf of respondent- State.

5. Learned State counsel could not refute the aforesaid contentions. However, bail petition is opposed on the ground that petitioner is involved in numerous cases as per details given in para No.10 of the status report, showing involvement of petitioner in as many as 20 cases.

6. Having considered submissions of both the sides, this Court finds that present case is fit for grant of bail to the petitioner. Though petitioner has bad criminal antecedents as is evident from the status report but Court has to take into consideration the role attributed to the petitioner in the present case. Petitioner was not named in the FIR. He has been named after 14 days in supplementary statement of the co-accused, without clarifying as to on what basis, petitioner has been implicated. Trial may take time to conclude.

7. Having regard to the above facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

December 11, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No