

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-19686-2023

Date of decision: 27.04.2023

Balwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parampreet Singh Paul, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner has filed the instant petition (third) under Section 439 of the Cr.P.C. seeking concession of bail in case FIR No.66 dated 25.06.2020 under Sections 302, 307, 324, 325, 506, 323, 148, 149 and 120-B of the IPC and Sections 25, 27, 29, 54 and 59 of the Arms Act, 1959 registered at Police Station Mulepur, District Fatehgarh Sahib.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner, who has been in custody since 27.06.2020, has been falsely implicated in the case in hand. While drawing the attention of this Court to the allegations levelled in the FIR in question annexed as Annexure P-1, learned counsel asserts that the petitioner who was allegedly armed with a 12 bore gun had not been attributed any injury on the person of the deceased but only a simple injury on the person of one Sukhwinder Singh. He still further submits that the trial has not concluded till now as only 02 out of the 47 prosecution witnesses cited

have been examined, hence, the trial shall take considerable time to conclude. He further submits that since the complainant stands examined, in the circumstances, further incarceration of the petitioner would serve no useful purpose. It has also been submitted that co-accused Jagdeep Singh @ Jassa and Kulwant Singh have since been extended the concession of bail by this Court whose role is at par with him.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. While drawing the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1, it has been submitted that firstly the role of the petitioner in the crime in question was clearly distinguishable from that of the co-accused, who had been extended the concession of bail and still further the petitioner came to the place of occurrence driving a Swift Car, armed with a 12 bore gun, along with other co-accused. On coming to the place of occurrence, the petitioner along with co-accused Arshdeep Singh fired at the complainant party. Learned counsel has drawn the attention of this Court to the MLR (Annexure P-2) of injured Sukhwinder Singh and submitted that it was clearly noticed therein that injured Sukhwinder Singh had been brought to the emergency ward of the hospital with a gun shot wound and still further the following injuries were found on his person which left no manner of doubt that they were dangerous to life:

Injuries	Marked	Injury Number
Lacerated wound present on the left thigh middle anterior aspect 0.7x0.5cm in measurement, bleeding present. Adv ortho opinion	Yes	2

Lacerated wound present on the lateral aspect of thigh measuring 1.5x0.5cm which is 6 cm proximal to knee joint, wound having inverted margins. Adv ortho opinion	Yes	3
Linear abrasion 11 cm in length obliquely present of front of right arm 6 cm above elbow joint.	Yes	4
Lacerated wound present on the epigastric region measuring 0.7x.05cm which is 7 cm from umbicus and 2 cm from median line. Bleeding present. Adv USG abdomen and surgery opinion.	Yes	1

4. Learned State counsel has further submitted that the petitioner was an active participant in the crime in question for which he did not deserve the concession of bail, moreso when Sukhwinder Singh, who had received fire arm injuries at the hands of the petitioner, had not yet been examined. Learned State counsel has also opposed the bail to the petitioner by urging that in case he is extended the concession of bail, there is every likelihood that he could misuse the concession and try to influence the witnesses to depose in his favour.

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

6. The petitioner cannot claim parity with that of co-accused Jagdeep Singh as only a simple injury had been attributed to him and that too on the person of one of the eye witnesses; accused Gurjit Singh was not attributed any injury but only a *lalkara*; accused Gurmukh Singh was attributed blunt sharp injury on the arm of injured Jagtar Singh who as per the learned State counsel has since been examined; and was attributed an injury on injured witness Jagtar Singh attracting the mischief of Section 324 of the IPC. The petitioner on the other hand was not only named in the FIR in question but from a perusal of the allegations levelled in the FIR, it comes across that he had come to the

place of occurrence along with co-accused armed with a fire arm, which was then used by him to commit the crime in question. Prima facie there are serious and specific allegations levelled against the petitioner for which he thus does not deserve the concession of bail.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

27.04.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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