

211+107

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29089-2022

Date of decision : 23.03.2023

Naveen Kumar @ Naveen

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Ms. Jasleen Kaur Sidhu, DAG, Punjab.

Mr. Sandeep Kumar, Advocate for the complainant.

MANOJ BAJAJ, J.

CRM-12878-2023

Application is allowed as prayed for.

Annexure P-9 is taken on record.

Main case

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.171 dated 08.07.2021 registered under Sections 307, 323 and 34 Indian Penal Code, 1860 (Sections 148 and 149 IPC deleted and Section 34 IPC added later on) and Section 27 Arms Act, 1959 registered at Police Station Model Town, District Hoshiarpur, who is in custody since his arrest on 09.07.2021.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, District Hoshiarpur in the order dated 11.11.2021 are as under:-

“Version of prosecution in brief is that on 8.7.2021, MLR No.116/VS/CH/HSP/July/2021 of injured Manpreet Singh @ Mammu son of Balram Singh, resident of Mohalla New

Fatehgarh, Police Station Model Town, Hoshiarpur was received from Civil Hospital, Hoshiarpur. When ASI Rashapl Singh visited there and got fitness opinion, injured was declared fit but he did not make statement. Then, it was informed that Manpreet Singh was taken to IVY hospital, Hoshiarpur from where the doctor informed that he has been referred to higher institution Theater, a telephonic message received regarding admission of the injured at IVY, Sector 71, Mohali, on which ASI Hans Raj alongwith other police officials went there and moved application. After obtaining fitness opinion from the concerned doctor, he got recorded the statement of injured-complainant Manpreet Singh to the effect that, he is running a dairy at his house. On 7.7.2021 he alongwith his friend had returned from 'Mata Chintpurni' at about 11.30 P.M and after leaving the car of his friend namely Kala Sarup Singh at Suthari Road, Hoshiarpur, he was going to his house on foot. Then, he received phone call of Naveen Kumar, who asked him to meet him and he is present outside his house. When, the complainant reached near the Shiv Mandir, then, Naveen Kumar, his brother Ganesh Kumar, sister Kanti, her husband and his mother were standing there. When the complainant reached near them then, Naveen Kumar with his licensed revolver fired three gun shouts upon the complainant out of which one bullet was struck in his left thigh, second struck on left side of his chest and the third bullet was crossed by touching his ear as a result of which, he fell down and then Ganesh Kumar gave two blows of 'Danda' which hit on the left side of his head and on the forehead. Then, the brother-in-law (Jija) of Naveen Kumar gave 'Danda' blows and caused injuries to the complainant. The sister and mother of Naveen Kumar also caused injuries to him. Above said persons also tried to took the complainant in their house. Then, he raised hue and cry for help and on hearing his cries, his uncle Ranjit Singh reached at the spot and on seeing him the above said persons slipped away alongwith their respective weapons from the spot. His uncle Ranjit Singh and others arranged the vehicle and took him at Civil Hospital, Hoshiarpur, then he took to IVY hospital, Hoshiarpur from where he was referred to IVY Hospital, Sector 71, Mohali. He further stated that accused Naveen Kumar is having grudge with him due to party fraction, therefore, the accused attacked upon him with intention to kill him. He prayed for taking legal action against the accused."

Learned counsel for the petitioner submits that the petitioner is in custody since his arrest on 09.07.2021, but trial is likely to take long time as vide order dated 20.10.2022 application under Section 319 Cr.P.C moved by prosecution has been allowed whereby one person, namely, Ganesh Kumar has been summoned as an additional accused, whereas qua two others, application

was dismissed. He submits that against the said decision, the petition is pending before this Court. Learned counsel has further drawn the attention of the Court to the order dated 02.03.2022 (Annexure P-7), whereby the co-accused, namely, Neeraj Sahu has already been released on bail. He prays for bail.

Learned State counsel assisted by learned counsel for the complainant and ASI Gurdial Singh, while opposing the prayer has stated that the petitioner fired the gunshot, which resulted injury to the complainant-Manpreet Singh, inviting the offence punishable under Section 307 IPC. According to learned State counsel, case of the petitioner is distinguishable from the co-accused, who has been released on bail, however, it is not disputed that petitioner is not involved in any other case of similar nature and charges against the additional accused has been framed on 08.12.2022.

After hearing learned counsel for the parties, considering the above background, the custody of the petitioner, this Court is of the opinion that the material witness has already been examined and the other witnesses are formal witnesses including police officials and at present there does not seem to be any possibility of their being won over. Besides, there is addition of accused and the 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 09.07.2021.

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.

(MANOJ BAJAJ)
JUDGE

23.03.2023
vanita

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