

CRM-M-31940-2023 (O & M)

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

CRM-M-31940-2023 (O & M)**Date of decision: 01.08.2023**

Ranjit Singh @ Sonu

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Manbir Singh Basra, Advocate,
for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

Mr. Gurnoor Singh, Advocate,
for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.127 dated 20.12.2021 under Sections 307, 34 IPC and Sections 27/54/59 of the Arms Act (added later on) registered at Police Station Sri Hargobindpur, District Gurdaspur.

2. The brief facts of the case are that statement of one Sukhraj Singh @ Sukha was recorded to the effect that he was an agriculturist. On 19.12.2021 at about 3.30/3.45pm he had gone to New Trend Salon at Harchowal for a haircut along with his friend Karan Singh @ Karan Aulakh.

In the meantime Ranjit Singh @ Sonu Aulakh @ Sonu (petitioner) with

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whom they had an earlier dispute came inside the Salon. He was carrying a 315 bore rifle and a 32 bore pistol. He fired at him (complainant) who sat down and the shot struck the wall of the Salon grazing his (complainant's) right arm. In the meantime Karan Aulakh caught hold of the petitioner-Ranjit Singh @ Sonu and snatched his rifle. A scuffle ensued in which the petitioner also received gunshot injuries at his (complainant's) instance by way of self defence. When his friend Karan Aulakh ran outside, three companions of Sonu Aulakh namely Yuvraj Singh @ Raja having a pistol and two unidentified persons carrying double barrel guns and one carrying a pistol fired shots at them (complainant party). The fired shots passed by, touching the jacket worn by his friend Karan Aulakh. The motive for the occurrence was that he (complainant) was the president of a party and Sonu Aulakh was the president of his rival party and there had also been an earlier altercation. Based on the aforementioned complaint, the present FIR came to be registered.

3. The learned counsel for the petitioner-Ranjit Singh @ Sonu contends that it is a case of version and cross version. The petitioner also received firearm injuries on his body and a cross version bearing DDR No.10 dated 22.12.2021 stands registered against complainant Sukhraj Singh and Gurkaranbir Singh. The injuries on the persons of the petitioner were apparent from the MLR. In fact the petitioner had gone to the Salon where the complainant party snatched his rifle from him and fired shots at him. The whole occurrence had been captured in a CCTV Camera. The licenced weapon of offence stands recovered. He contends that now, Sukhraj Singh @ Sukha, the complainant had died in another occurrence and a compromise

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Gurdev Singh, which is evident from Annexure P-5. As the petitioner was in custody since 21.03.2023 and none of the 21 prosecution witnesses had been examined so far, he was entitled to the concession of bail.

4. The learned counsel for the State while referring to the reply dated 01.08.2023, on the other hand, contends that the petitioner is a habitual offender with multiple cases registered against him. Therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner was in custody since 21.03.2023, none of the 21 prosecution witnesses had been examined so far and that a compromise had been arrived at with one of the witnesses.

5. The learned counsel for the witness Gurkaranbir Singh, who has compromised with the petitioner admits the factum of the compromise and states that he has no objection if the petitioner is granted the concession of bail.

6. I have heard the learned counsel for the parties.

7. Admittedly, it is a case of version and cross-version wherein the petitioner has also received gun-shot injuries. He is in custody since 21.03.2023, but none of the 21 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Further, a compromise has been effected with one of the witnesses from the complainant party. In this situation, the further incarceration of the petitioner is not required.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Ranjit Singh @ Sonu is ordered to be released on bail to the satisfaction of the Trial Court/Duty

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9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any crime/case other than those referred to in this order.

10. The petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

(JASJIT SINGH BEDI)

JUDGE

August 01, 2023

sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No