

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

CRM-M-49302-2021 (O&M)
Date of Decision:-**17.01.2023**

LOVEPREET SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Sanjeev Patial, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab
assisted by ASI Gurdeep Singh.

Mr. Nakul Sharma, Advocate
for the complainant.

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KARAMJIT SINGH, J. (Oral)

CRM-50063-2022

In view of the reasons mentioned in the application, the same is allowed and Annexure AX/1 i.e. the statement of Dr. Harvinder Singh Chabra, who medico legally examined both the injured namely Baljinder Singh and Hardeep Singh are taken on record subject to all just exceptions.

Main Case

Prayer is for grant of regular bail in case having FIR No.23 dated 11.3.2021 registered under Sections 307/341/323/34 IPC and Section 25/27 of Arms Act at Police Station Lakho Ker Behram District Ferozepur.

The counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case at the instance of complainant and is behind the bars for the last more than 1 year and 4 months and is having no criminal history. The counsel for the petitioner further submits that as per the testimony (Annexure AX/1) of PW-4 Dr. Harvinder Singh Chabra, the injuries on the person of Baljinder Singh and Hardeep Singh were found to be simple in nature and the said witness further opined that injuries on the person of Hardeep Singh being self-suffered cannot be ruled out. The counsel for the petitioner further submits that even both the injured persons stand examined and as such no purpose is going to be served by keeping the petitioner in custody for any longer period.

The present petition is resisted by the State counsel as well as the counsel for the complainant, both of whom submit that at the time of occurrence petitioner armed with revolver, Hira Singh armed with 'Dang', Resham Singh armed with double barrel gun and his wife Lakhwinder Kaur were present at the spot and Hira Singh took the revolver from the petitioner and fired in air and then Resham Singh fired at Hardeep Singh as a result of which Hardeep Singh fell down and then Lovepreet Singh fired shot with his revolver which hit complainant Baljinder Singh. It is further submitted that there are specific allegations against the petitioner that he caused fire arm

injury to the person of the complainant. However, the State counsel on instructions from ASI Gurdeep Singh has not disputed that the petitioner is in custody for the last more than 1 year and 2 months and that both injured persons namely Baljinder Singh and Hardeep Singh are already examined and copies of their statements are Annexures A-1 and A-2 and even the medical evidence has been recorded vide Annexure AX/1.

I have considered the submissions made by counsel for the parties.

As per the allegations appearing on the record, the petitioner caused fire arm injury to complainant with his revolver while co-accused Resham Singh caused fire arm injury to Hardeep Singh with his gun. The petitioner is in custody for the last more than 1 year and 2 months. Both the injured persons are already examined during the trial as is evident from Annexure A-1 and Annexure A-2. Even the doctor, who medico legally examined the injured persons stands examined vide Annexure AX/1. At this stage, it will not be proper to make any comments with regard to the opinion given by the concerned doctor regarding nature of injuries sustained by Baljinder Singh and Hardeep Singh. However, it will take considerable time for the trial to conclude. Further in the given circumstances, there is no apprehension that if released on bail the petitioner who is having no criminal history is going to influence the material witnesses namely Baljinder Singh and Hardeep Singh.

In light of the above, this Court is of the view that no purpose is going to be served by prolonging judicial custody of the petitioner for any further period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

17.01.2023
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No