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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50285-2021 (O&M)

Date of decision : 13.01.2023

Vinod Sahota @ Sunny Sahota

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ashish Aggarwal, Advocate for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this third petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.57 dated 14.03.2021 registered under Sections 307, 353, 186, 148 and 149 Indian Penal Code, 1860 and Section 25 Arms Act, 1959 at Police Station Division-A, District Police Commissionerate Amritsar, who is in custody since his arrest on 17.03.2021.

The allegations in the FIR as noticed by the learned Additional Sessions Judge, Amritsar in the order dated 27.04.2021 are as under:-

“The present case has been registered against the accused-applicant along with co-accused on the statement of ASI Kashmir Singh who in his statement specifically stated that in the intervening night of 13/14.3.2021, he was on duty at Emergency Ward, Civil Hospital, Amritsar. At about 12.00 night, Rahul Negi son of Satish Kumar, resident of 12 Makan, Islamabad, Amritsar alongwith his brother Mani Negi and his friend Ishu son of Santosh Kumar, resident of Love Kush Nagar, Putlighar came to the hospital for medico legally examination, due to fight in the area of P.S.Cantonment. Where Dr.Bhavneet Singh gave medico legal report of Rahul Negi, who went for conducting his X-

ray examination. In the meantime, 10/12 persons came in Emergency room and started to quarrel with Rahul Negi. He and Dr.Bhavneet Singh were sitting in EMO room. They came out alongwith staff member Harish Sharma, Nursing Staff Prince Pal Singh, Class IV and told them to leave the room. Thereafter, the persons left the Emergency room. He and Dr.Bhavneet Singh were standing outside the room. In the meantime, out of those persons, two unknown persons out of them, one was having pistol in order to kill them fired shots upon them, out of which one fire shot hit to Dr. Bhavneet Singh on his left leg.”

Learned counsel for the petitioner has argued that the material witnesses have been examined and injured is not supporting the case, who has been declared hostile. He has produced the copy of the order dated 12.01.2023 to contend that similarly situated co-accused, namely, Bhupinder Singh @ Laddi has been released on bail by this Court. He claims parity and prays for regular bail.

The prayer is opposed by learned State counsel, who is assisted by SI Iqbal Singh and has argued that the petitioner's case is distinguishable from his co-accused as the gunshot injury inviting the offence punishable under Section 307 IPC is attributed to the petitioner-Sunny Sahota. Learned State counsel has further produced the custody certificate filed by way of affidavit of Manjit Singh Sidhu, Additional Superintendent Central Jail, Amritsar to contend that the petitioner is involved in various other criminal cases as well. She prays that the petition be dismissed. According to her, in all there are 21 prosecution witnesses and still 17 witnesses remain to be examined.

After hearing learned counsel for the parties and considering the above background, this Court finds that the petitioner's name is specifically mentioned in the FIR and as per prosecution, he had fired the gunshot at Dr.Bhavneet Singh (injured), who was working in the emergency ward of Civil

Hospital, Amritsar. Apart from it, the custody certificate reveals that he is embroiled in number of other criminal cases, therefore, the stand of the petitioner that his case is at par with co-accused-Bhupinder Singh @ Laddi, who has been released on bail is misplaced, as the said accused was not named in the FIR. At this stage, this Court is not to evaluate the deposition of injured and its admissibility, as it is to be examined by the trial Court in the light of the other evidence including the FSL report relating to the use of weapon in the alleged crime, which is yet to be adduced by the prosecution.

Resultantly, without meaning any expression of opinion on the merits of the case and considering the seriousness of the offence, no case is made out for releasing the petitioner on regular bail.

Petition is dismissed.

13.01.2023

vanita

(MANOJ BAJAJ)
JUDGE

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