

232

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

CRM-M-43999-2023
Date of decision : 07.11.2023

KAMALDEEP SINGH @ AMANPREET SINGH

....Petitioners

Versus

STATE OF PUNJAB

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. K.S. Brar, Advocate for the petitioner.

Mr. Jaswinder S. Arora, DAG, Punjab with SI Chet Singh.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.102 dated 22.08.2021 registered for the offences punishable under Sections 307, 324, 323, 341, 148 & 149 of the Indian Penal Code, and Sections 25 & 27 of Arms Act, at Police Station Nahianwala, District Bathinda.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. As per the contents of the FIR, it has been alleged as under
“xxxI am resident of the above said address and I doing the work of the carpenter. Yesterday on 21.08.2021 I alongwith my friend Rajpal Singh son of Nachattar Singh, resident of Blar Vinju went for repairing his mobile on motorcycle and when we reached near Mall Road, Goniana near Dr. Mahinder Singh Chowk Goniana Mandi, and we parked the motorcycle outside

the telecom shop then my friend went in the shop of Sardar Telecom and then telecom the sardar people said that his mobile is alright but there is some problem in the sim and my friend came out of the shop and when we came from shop towards Motorcycle at about 06:00 PM in the evening one Verna of white colour came which stopped near us and from the car one persons resident of Kamaljit Singh son of Unknown, Jandwala came out armed with revolver and he signalled me and called me and I on seeing the revolver ran towards old grain market, then he fired towards me and I fell down under the shed in old grain market then Kamaldeep Singh and Buta Singh son of Unknown, resident of Jandwala and Hardeep Singh @ Bau, resident of Mehma Bhagwana and Buta Singh Master son of Unknown, resident of Dashmesh Nagar Goniana Mandi and two unknown persons and encircled me and when I was lying down then Kamaldeep Singh fired from his revolver which hit on my right leg blow the knee and Hardeep Singh @ Bau who was having Kirpan gave a blow of Kirpan which hit on the bicep of my left arm and Buta Singh son of Unknown armed with Gandasa, resident of Jandwala gave a blow of Gandas on my left leg which hit on my left leg blow the knee. Then Buta Singh Master son of Unknown, resident of Dashmesh Nagar, 'Goniana Mandi armed with iron Khanda and I in order to save raised my left hand and which hit on three fingers of my left hand and after that two unknown persons gave a blow of iron rod and iron pipe on me which hit on my left plank due to which there are injuries on my left plank. That all of these persons have given injuries to me with intention to kill me and have also given leg and fist blows. When I raised the alarm of marta marta all these persons fled away from the spot alongwith their respective weapons. Some of the passer-by got me admitted in the Government Hospital Goniana Mandi from where doctors-referred me to Civil Hospital Bathinda where my treatment is going on the reason behind this occurrence is that few days back there was altercation with the above said person so in this manner they have given me injuries with the intention to kill me

xxx.

4. Counsel for the petitioner submits that the injury alleged against the petitioner is on the knee of the victim i.e. non-vital part of the body. Petitioner is behind bars for more than 4 months and 16 days since 23rd of June, 2023. Investigation already stands concluded and challan stands presented and thus there can't be any apprehension that the petitioner shall tamper with the evidence.

5. State Counsel does not dispute the aforesaid factual assertions made by counsel for the petitioner which are based on record.

6. I have heard counsel for the parties and have gone through records of the case.

7. In view of above, without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 07, 2023

Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No