

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

303 CRM M-48414 of 2023
Date of Decision: 12.12.2023

Ravinder @ Ravi @ Sukha ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Rajat Dogra, Advocate, for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Parambir Singh, Advocate
for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.120 dated 30.03.2023 registered under Sections 307 and 34 IPC and Sections 25 and 27 of the Arms Act at Police Station City Ferozepur, District Ferozepur.

2. The FIR in the present case was registered on the basis of the statement made by Amandeep Singh. As per him, at about 09.00 p.m. on 29.03.2023, he and his cousin Lovepreet Singh were present at his house. Ladoo used to operate egg *Rehri* in front of the house of Lovepreet Singh, where several persons used to come to consume eggs alongwith liquor and indulged in filthy talks. At about 10.00

p.m., Anmol was using abusive language at the *Rehri* of Ladoo. Lovepreet and Gurwinder went there to pacify them. At this, Ladoo, picked up quarrel and Anmol also started manhandling them. He also made a phone call to his friends and at this, Sukha, petitioner/accused and Rajvir came there with pistol. The complainant came forward to rescue his cousin. On this, Ladoo raised *lalkara* that Lovepreet should be taught a lesson for picking up dispute with him. On this, Sukha pointed pistol towards Lovepreet and fired a shot on left thigh. He fell down. Number of persons had assembled and the accused fled away from the spot.

3. Learned counsel for the petitioner contends that the petitioner had been falsely involved in the present case. As per the case of the prosecution, the petitioner was allegedly armed with a pistol and he had fired a shot at the complainant, which hit him at his left thigh, i.e., the non vital part of his body. The petitioner was arrested in the present case on 24.05.2023 and is in custody for the last more than 07 months. He further contends that after the conclusion of the investigation, the challan has already been presented before the Court. As per him, the injured Amandeep Singh had suffered the following injury:-

1. *A penetrating of wound of about 0.75 CM x 0.5 CM on the lateral aspect of left thigh, about 13 CM away from the anterior superior iliac spine. Margins inverted,*

fresh bleeding present. Aperture in the corresponding are of pants and underwear present. Tissu around the wound taken in the OT for ballastic expert opinion. Advised X ray.

Radiologist Anil Baghi Hospital Ferozepur reported that there is fracture of proximal shaft and inter trochantric fracture of left femur and focal oval shaped radio opaque foreign body is seen in the pelvis in front of the left hip joint. X ray film one alongwith report of Radiologist with clothes of the injured (pant and underwear) sent to the police station.

Learned counsel further contends that the injured has already been discharged from the hospital long ago and is hale and hearty.

4. On the other hand, learned State counsel submits that serious allegations have been levelled against the present petitioner and he had fired the shot at the left thigh of the complainant. Apart from that, several other cases were also registered against the present petitioner. At this stage, learned counsel appearing on behalf of the respondent/complainant submits that the complainant/injured is still not able to walk. In fact, a report was sought from the learned State counsel in this regard and learned State counsel submits that the

complainant/injured is fully cured and is able to walk without any assistance.

5. I have heard learned counsel for the parties and perused the record.

6. The petitioner is in custody since 24.05.2023, i.e., for the last more than 07 months. In the present case, the injured has been discharged from the hospital long ago and did not suffer any disability. Even the aforementioned injury suffered by him was on left thigh, i.e., non vital part of the body. Even though, several cases were registered against the present petitioner, but the same can not serve as a ground for dismissal of the present bail application, when the petitioner has been able to make out a case for grant of regular bail in the peculiar facts and circumstances of the present case. Moreover, the petitioner can never be confined in jail for an indefinite period as the Hon'ble Supreme Court in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another 2012(1) R.C.R. (Criminal) 586***.

7. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered

to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the following conditions-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

12.12.2023
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No