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

**CRM-M-58392-2023
Date of decision : 24.11.2023**

SANDEEP SINGH ALIAS SONA AND ANOTHERPetitioners

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Navkiran Singh, Advocate
for the petitioners.

Mr. Jaswinder S. Arora, DAG, Punjab with
ASI Balvir Singh.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case F.I.R. No.51 dated 15.09.2023 registered for the offences punishable under Sections 307, 323, 506, 34 IPC and Sections 25, 27 of Arms Act, at Police Station Morinda, District Rupnagar.

2. Mr. G.S. Ghuman, Advocate appears and files his power of attorney on behalf of the complainant today in Court, which is taken on record.

3. FIR was registered on the statement made by one Kamalpreet Singh son of Sajjan Singh alleging as under :

“xxx I am resident of above said address, am an agriculturist. That wrestling competition (kushti) is organized every year in our village. Yesterday on 14.09.2023 at about 11 AM, I and my friend Baljit Singh alias Raju son of Darshan Singh, resident of Samana Khurd were preparing the ground for wrestling competition. At that time, Sandeep Singh Sona son of Amarjit Singh, resident of Samana Khurd and Vipin Singh Billa son of Kamaljeet Singh Kamla resident of Samana Khurd came, who on seeing me, started looking at me angrily and scuffled with me. That the people who were standing there, they got us released from the scuffle, that during scuffle my mobile phone had fallen down. That Sandeep Singh Sona alongwith Vipin Singh went away to his motor. That I, in order to enquire about my mobile phone, had gone to them. Then Sandeep Singh by making telephonic call, called Sarpanch Manpreet Singh Manna son of Gurjeet Singh, Dharminder Singh son of Mehar Singh Billa residents of Samana Khurd there. When I asked Sandeep Singh Sona about the phone then Sandeep Singh Sona, Sarpanch Manpreet Singh, Vipin Singh, Dharminder Singh got angry on me and told that we want to organize the Kabbadi tournament whereas you have organized the wrestling competition and said that you want to create hindrances in our Kabaddi tournament. Then all of them said that we will teach you that how wrestling competition is organized every year because my brother Inderpreet Singh Rana is ahead and that wrestling competition is to be organized. That all of them gave me fist blows and gave beatings to me and Manpreet Singh Sarpanch raised an exhortation that today we will finish him. Then Manpreet Singh Sarpanch raised an exhortation that today we will finish him. Then Manpreet Singh Sarpanch took out his licensed revolver and fired a gunshot with the intention of killing me. That this gunshot hit me on thigh of my left leg. Then I caught his revolver in order to save myself. Then Manpreet Singh Sarpanch bit me on my right hand. That Jagdeep Singh son of Darshan

Singh resident of Samana Khurd informed my brother Inderpreet Singh Rana regarding this incident. My brother Inderpreet Singh Rana reached the spot, in whose presence, they had given beatings to me while I was lying down. The gunshot which was fired by Manpreet Singh Sarpanch, during that fire, the empty shell had fallen, which Vipin had picked up on the asking of Manpreet Singh Sarpanch. Then Inderpreet Singh arranged a vehicle and got me admitted at CHC Morinda, then after providing me the first aid, I was referred to PGI Chandigarh. That today I have got recorded my statement before you at PGI Chandigarh, which was heard and is correct. Appropriate legal action may be taken.xx”

4. Counsel for the petitioners submits that apart from alleging that it was the petitioners who called the co-accused on the spot there is no allegation w.r.t. any injury that will call for registration of Section 304 IPC against the present petitioners. The petitioners are behind bars for more than 1 month and 13 days. He further relies upon the order dated 25.10.2023 passed in CRM-M No.54415 of 2023 whereby co-accused Dharminder Singh who is similarly situated to the present petitioners has been granted pre-arrest bail.

5. State Counsel does not dispute that even if the allegations levelled in the FIR are taken on its face value the firearm injury has not been attributed to the present petitioners.

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

7. Without commenting on the merits of the case, keeping in view

the incarceration already suffered by the petitioners and the the allegations levelled against them, the present petition is allowed. The petitioners are ordered to be released on bail on their 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 24, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No