

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

CRM-M-58903-2023 (O&M)

Date of Decision: 28.11.2023

Bharpoor Singh @ Harphool Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. D.S. Gandhi, Advocate, for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

Mr. Vaibhav Narang, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No. 122 dated 23.05.2021, under Sections 307, 120-B, 148, 149 IPC and Sections 25 and 27 of Arms Act, registered at Police Station Chattwind, Amritsar Rural.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for about 3 months and investigation of the case has been completed and thereafter challan has been presented but the charges have not been framed. He submitted that the allegations against the petitioner are that he was a part of the unlawful assembly and one of the co-accused namely, Saranbir Singh @ Sanna with intention to kill directly fired on the complainant with his weapon which hit the chest of one Jaskaran Singh

and one fire was also hit on the right leg of one Rajbir Kaur. He further submitted that one of the other co-accused namely, Amritpal Singh Kahlon has been granted bail by this Court vide Annexure P-2 and the petitioner being at parity may also be considered for the grant of regular bail. He also submitted that the petitioner was earlier declared as proclaimed offender and he was not aware about his nomination in the present FIR and thereafter, he was arrested and now he is in custody for last three months.

3. On the other hand, Mr. Gurdarshan Singh Sidhu, AAG, Punjab submitted that the petitioner is not entitled for the grant of regular bail in view of the fact that he was a part of the unlawful assembly which consisted number of persons who formed a gang and had attacked the complainant and one of the other co-accused namely, Saranbir Singh @ Sanna with intention to kill directly fired on the complainant with his weapon which hit the chest of one Jaskaran Singh and one fire was also hit on the right leg of one Rajbir Kaur and all the accused persons including the petitioner thereafter ran away. He submitted that against the petitioner the proclamation proceedings were initiated and he was declared as a proclaimed offender on 22.11.2022 and thereafter, he was arrested on 16.08.2023 and now his custody is only three months. He further submitted that since the complainant and the injured are yet to be examined, there is a strong apprehension that in case the petitioner is released on bail, then he may influence the witness and he may even abscond from justice considering his previous conduct because he earlier also absconded and he was also declared as a proclaimed offender. He further submitted that the petitioner is involved in one more case under the NDPS Act.

4. Mr. Vaibhav Narang, Advocate has appeared on behalf of the

complainant and has opposed the grant of bail to the petitioner on the ground that considering the previous conduct of the petitioner whereby he was declared as a proclaimed offender, he is not entitled for the grant of regular bail. He further submitted that the petitioner was a part of the unlawful assembly, although the gunshot injuries are attributable to the other co-accused namely, Saranbir Singh @ Sanna.

5. I have heard the learned counsel for the parties.

6. The petitioner is in custody for about 3 months. As per the allegations, the petitioner was a part of the unlawful assembly alongwith other co-accused and as per the allegations in the FIR and the submissions made by the learned counsel for the State as well as the learned counsel for the complainant, a gang of number of persons formed an unlawful assembly and attacked upon the complainant and one of the co-accused namely, namely, Saranbir Singh @ Sanna fired upon the complainant which hit the chest of one Jaskaran Singh and also on the right leg of one Rajbir Kaur. The argument which has been raised by the learned counsel for the petitioner that the petitioner is at parity with the other co-accused namely, Amritpal Singh Kahlon who is also named in the FIR and has been granted bail by this Court vide Annexure P-2 is not sustainable in view of the fact that the present petitioner was declared as a proclaimed offender on 22.11.2022 and thereafter, he has been arrested on 16.08.2023.

7. Considering the aforesaid facts and circumstances and without observing anything on the merits of the present case, this Court does not deem it fit and proper to grant bail to the petitioner.

8. Consequeuntly, the present petition is dismissed.

9. However, anything observed hereinabove shall not be treated as

an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

28.11.2023

rakesh

Whether speaking : Yes/No

Whether reportable : Yes/No

(JASGURPREET SINGH PURI)

JUDGE