

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.4095 of 2024 (O&M)
Date of decision: 29th February, 2024

Kulwinder Singh & another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arshit Goel, Advocate for the petitioner.

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

CRM No.9342-43 of 2024

In view of the averments made in the applications and in the interest of justice, the same are allowed as prayed for. The amended petition is taken on record.

CRM-M No.4095 of 2024

1. The petitioners are seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0189 dated 17.10.2023 under Sections 307, 323, 148, 149, 379 of the IPC and Sections 25/27 of the Arms Act, 1959 registered at Police Station Sadar Samana, District Patiala.

2. Learned counsel for the petitioners inter alia contends that it is a case of version and cross-version, wherein both the parties received

injuries at the hands of each other. It has been further submitted that though the petitioners have been falsely implicated in the instant case, however, even otherwise a perusal of the FIR, which has been annexed as Annexure P-1, clearly reveals that other than their presence being shown along with the co-accused Amrik Singh, no role much less any injury or even lalkara had been attributed to either of them. Learned counsel has further submitted that as per the allegations leveled, it was the co-accused Amrik Singh who had fired from his firearm at the hands of the injured/complainant Jobanpreet Singh. Learned counsel, thus, submits that in the aforementioned facts and circumstances and the role attributed to the petitioners in the crime in question, their further incarceration would serve no useful purpose since the trial would take considerable time to conclude, as till date only challan has been presented.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute the factual aspect of the submissions made by the counsel opposite qua the roles attributed to both the petitioners in the crime in question. He, on further instructions, has conceded that only one firearm injury was received by complainant Jobanpreet Singh and that had been attributed to the co-accused Amrik Singh. Still further, learned State counsel, on instructions has informed the Court that after challan was presented, charges had not been framed and were likely to be framed on the next date of hearing fixed before the trial Court i.e. 05.03.2024.

4. On a pointed query put to the learned State counsel qua the antecedents of the petitioners, it has been brought to the notice of this Court that while one case under Section 304-B IPC stood registered against petitioner No.1, however, he had since been acquitted in the same; there were two cases registered against petitioner No.2 under the Excise Act, in which he was on bail.

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

6. In the facts and circumstances as enumerated hereinabove, since investigation in the case at hand is complete and the only role attributed to the petitioners in the crime in question is of having accompanied the co-accused Amrik Singh to the place of occurrence, this Court deems it fit to extend the concession of bail to the petitioners. The petition as such is allowed and the petitioners are admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 29, 2024
rps

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