

CRM-M-5990-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(211) CRM-M-5990-2024
Date of decision:- 09.02.2024.

Rahul Kumar ...Petitioner
Versus
State of Punjab ..Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Vinod K. Kaushal, Advocate
for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Prayer is for grant of regular bail in FIR No.114 dated 09.06.2023 under Section 307, 34 of IPC and 25, 27 of Arms Act, 1959 (Section 54, 59 of Arms Act 1959 added later on) registered at Police Station Chheharta, District Police Commissionerate Amritsar, Amritsar.
2. As per the contents of the FIR, it was alleged as under:-

“Statement given by Sandeep Kumar son of Vijay Kumar resident H.No. 1191 Harikrishan Nagar Street No. 01 GT Road Chheharta Age 37 Mob: 8360886685 stated that I am a resident of the said address and doing government contracting I have a land dispute with my uncle's son Rajnish Kumar and my uncle Virender Kumar's son Rahul Kumar in the court moreover Rahul used to frequently threaten me to leave the land and go from here this he used to do with the help of Rajnish. Today dated 09.06.2023 at almost 9:20 AM I was going to drop my wife Kiran Thapa who is a receptionist at Parvati Devi Hospital Ranjit Avenue on my Activa numbered PB02EG8826, when I reached the front of Sandhu Dairy 2 men on a motorcycle came in which the one who was riding had covered his face with handkerchief and the one who was sitting behind was Rahul Kumar's son of Varinder Kumar who is the son of my uncle fired on me with pistol and afterward ran. The bullet that was fired hit the left side of my head and my wife Kiran Thapa's face. At that instant, I called

control room 112 and informed and the police reached the place and took me to Civil Hospital Amritsar and admitted me there. Rahul Kumar fired on me and my wife with the intention of killing us Legal action should be taken against them. The statement is written and read SD/- Sandeep Kumar Verification of the said SD/-Jagga Singh St PS Chheharta 09.06.2023 Police action today along with Man Si along with ASI Baldev Singh 3195 were present at the police station that a questi T-3 Mosul police station that Sandeep Kumar phone number 83608-86685 called near Sandhu Dairy near Sandhu Colony that he and his wife were going on Activa scooter that Rahul Kumar's men had fired at them respected Si along with ASI Baldev Singh 3195 on private vehicle reached the place and instructed to send the rest of the employees to the spot. Other employees including ASI Jasbir Singh 2552, HC Raj Kumar 3816, Ct Robin Singh 1921, and PHG Paramjit Singh 9322 also reached the spot and they came to know that Sandeep Kumar S/O Vijay Kumar and his wife Kiran Thapa were taken to Civil Hospital, Amritsar for treatment. Respected SI along with fellow employees reached Civil Hospital Amritsar where they were treating them in an emergency. By giving different applications, to the doctor the policemen asked to cut the MLR regarding the bullet wound of the said Sandeep Kumar and his wife Kiran Thapa and obtained a written opinion regarding obtaining the statement of the said two veterans by writing different applications to which the respected Doctor claimed both Sandeep Kumar and his wife Kiran Thapa fit to give their statement regarding the incident to the police officials. The statement of Sandeep Kumar was obtained and written and read in front of him to which he claimed correct and signed below his statement in English which I verified. It is found to be a crime under Section 307, 34 IPC 25, 27/54/59 Arms Act. To register the case, the handwritten statement is sent to the police station HC Raj Kumar 3816. The case should be registered and informed about the case number. Special reports should be issued and sent to the officers at their service. The control room should be informed about the same. I along with my fellow employees are busy in the investigation. Today at Civil Hospital Amritsar AT 02:00 PM Correct/- Jagga Singh SIPS Chheharta 09.06.2023. today Police Station: At present the said written personal statement is being registered at Mosul police station and the case is being registered under the said section and the original written personal statement is being sent to HC Arinda employee Niyad SI. By issuing a special report of the case Haja, is being sent to HC Simranjit Singh 229

Ravana Area respected Magistrate and officers are being sent to the service of the chief officer police station and control room.”

3. Learned counsel for the petitioner submits that the petitioner is behind bars for 7 months and 24 days. Investigation already stands concluded. Injuries alleged to have been suffered by the victim are simple in nature and false implication of the petitioner cannot be ruled out in view of the fact that even as per the contents of the FIR, both the parties are at the logger heads on account of land dispute.
4. The petitioner has clean antecedents and no other case is pending against him. Learned State counsel however opposes the bail plea asserting that it is a case of injury by firearm. However, it is not disputed that challan already stands presented.
5. In view of the above, keeping in view the fact that the investigation stands concluded and the prolonged incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
6. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

09th February, 2024
spn

Whether speaking/reasoned : Yes
Whether Reportable : No