



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-26478-2024

Date of decision : 29.05.2024

Bhagwan Singh alias Bhana Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. P.K.S. Phoolka, Advocate for the petitioner.

Mr. J.S. Arora, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1. This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.246 dated 27.11.2023 registered for the offences punishable under Sections 307/323/34 of the Indian Penal Code, 1860 (for short, 'the IPC') and Sections 25/27 of the Arms Act, 1959, at Police Station City Budhlada, District Mansa.

2. As per the FIR, it has been alleged as under:-

“Statement of Makhan Singh son of Jagdish Singh @ Gakuta son of Harnek Singh, resident of village Kulana aged about 25 years, Mobile NO. 98803-07058, states that I am resident of above said address and doing the labour work, today in evening then I came back to home from my work place then my Massi Chinder Kaur told to me that our Hansraj went to Budhlada had and till time he cannot come the house, I so to and see him in the village then I went to see my taya's son namely Hans Raj Singh in the village and reached the in the gate of Government Primary School Kulana then I met Kulwant Singh son resident of of Jagseer Singh, village Kulana whom I asked regarding my taya's son Hans raj who told me that Hansraj inside the school and when I went inside the school then Hansraj urinating in the bathroom made in the room of the school then at



about 7.45 PM there was dark then in the mean time in front of Paramjit @ Pamma son of Natha Singh resident of Kulana having pistol, Manga Singh son of Teja Singh, Bhana Singh son of Bhaggar Singh, residents of Kulana were seeing coming and whom I know well and upon coming paramjit Singh @ Pamma gave lalkara that do not leave Hansa and others alive today then I order to save myself went towards the wall side then in the meantime Paramjit Singh @ Pamma gave dasti pistol fire blow towards my uncle son Hansraj with intention to kill him which hit on the left cheek of my uncle Son Hansraj and Hansraj fell down I raised raula of bachao bachao thenb Manga SINGh son of Teja Singh, Bhana Singh son of Faggar SINGh, Paramjit Singh @Pamma son of Natha Singh, resident of Kulana ran away from the spot with their respective weapons and there gathering of people was there on which I and my father Jagdish Singh after arranging the vehicle got admitted Hansraj for treatment to civil hospital Budhlada where doctor after giving first aid to Hansraj referred him to bigger hospital. Motive is that earlier there was a minor altercation between us due to which they in the year 2023 they had fired in front of the house our friend Kulvir Singh in August, 2023 regarding which I am the witness and due to this grudge they had fired upon my uncle son Hansraj I was coming to give information to you, you have met statement given heard correct. Action be taken Paramjit Singh @ Pamma son of Natha Singh, manga singh son of Teja Singh and Bhana Singh son of Faggar Singh, resident of Kulana. Legal action be taken against them. Sd/- Makhan Singh further attested by Bhupinderjit Singh SI / SHO police station city Budhlada. Dated 26.11.2023”.

3. Custody certificate has been filed. The same is taken on record.
4. Learned counsel for the petitioner submits that the even if the allegations levelled in the FIR are taken on their face value, the same could not constitute any offence under Section 307 of IPC *qua* the petitioner. The only allegation against him is of being seen coming along with the main accused Paramjit Singh alias Pamma on the spot and thereafter, running from there. He further submits that the petitioner is behind the bars for more than 05 months and 09 days. Challan stands presented and charges have not been framed.



5. Learned State counsel does not dispute the aforesaid facts.
6. I have heard learned counsel for the parties and have gone through the records of the case.
7. Without commenting on the merits of the case and considering the 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.
8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

29.05.2024
D.Bansal

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No