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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

(205)

CRM-M-32901-2024 (O & M)
Date of Decision:-18.12.2024

Karnail Singh @ Dr. Karnail Singh

.....Petitioner.

Vs.

State of Punjab

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Navneet Kaur Waraich, Advocate, for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this second petition under Section 439 of the Code of Criminal Procedure is for the grant of regular bail in case FIR No.154 dated 07.09.2023 under Sections 307, 379-B (2), 341, 427, 148, 149, 323, 324, 326, 201 IPC and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Sadar Patti, District Tarn Taran.

2. The present FIR came to be registered at the instance of Sukhdev Singh and reads as under:-

Statement of Sukhdev Singh Son of Late Ranjit Singh Resident of Talwandi Mutsanda Singh, Police Station Sadar Patti aged about 30 years Mobile No. 94784-37178. It is stated that I am a resident of the said address and working as an agriculturist. I have two brothers Hardev Singh and Jagdev Singh and my brother Hardev Singh is doing agriculture work and Jagdev Singh has gone Abroad to Austria. On dated 06.09.2023, time around 7/7.30 PM I came to village Gharyala to Dr.Hardayal



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Singh to get medicine. Being in a hurry, I was going back to my village via Shershawali road without taking the medicine, when an Alto car with grey color number DL-4CL-3175 passed me behind and the vehicle stopped in front of me, near the pond of village Gharyala, and surrounded my Breeza No.HR-26-EB-5602 was stopped and Gurlal Singh Son of Gurdial Singh Resident of Punnia, Dr.Karnail Singh Son of Ajab Singh Resident of Kalsia Kala got down from Alto and three unidentified person also got down from Alto car and as soon as they come there at the behest of Gurlal Singh and Karnail Singh, my vehicle was attacked, the front mirror and driver side mirror was broken with Dattar and kirpan. The unknown men gave 2 kirpan blows upon on my head and tried to put kirpan on my chest. Karnail Singh took out a pistol from his pocket and fired with the intention of killing me when I put my right hand forward, the fire went out after touching with my middle finger of my right hand and my finger tip was cut. Then unknown person gave a blow of Dattar upon my right wrist, due to which the bone of my right hand got injured. In meanwhile, Gurlal Singh opened the back window of my vehicle and fired with the intention of killing me while sitting in the vehicle which hit upon my left shoulder. Then Karnail Singh, Gurlal Singh and unknown men dragged me out of the car and while giving me pushes, they got injured my foots. In meanwhile when the hooter of police car was rang, then they all above went toward village Gharyala, by sitting in their Alto car alongwith their respective weapons. The police party got me admitted at Civil Hospital Gharyala, where due to the lack of facilities in the hospital, I was referred to civil Hospital Patti, where I am under treatment. While going, Gurlal Singh and Karnail Singh were stolen my 18000 rupees and mobile Phone Vivo Colour blue with SIM number 95922-17276. Reason behind grudge is that about 7/8 months ago, I had a quarrel with Gurlal Singh for



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asking for his Figo Car, because of that Gurlal Singh, he was waiting to attack upon me and on dated 06.09.23, on finding me alone, Gurlal Singh and Dr.Karnail Singh has attacked me with three unknown person with intention of killing me. Statement got recorded to you. I am claimant. Action betaken. Sd/- Sukhdev Singh.

2. Pursuant to the registration of the FIR, the medico legal examination of the complainant-Sukhdev Singh was conducted and he was found to have suffered 09 injuries. Injury No.3 (attributed to the petitioner) was found to be grievous in nature having been caused with a sharp-edged weapon and injury No.1 was caused as a result of a fire arm. On the basis of the same, offence under Sections 323/324/326 IPC was added vide DDR No.20 dated 26.09.2023.

The investigating officer recovered two shells make KF-7.25 from the spot alongwith a Breeza car bearing registration No.HR-26-EB-5602.

The petitioner-Dr. Karnail Singh was arrested on 24.09.2023 and got recovered a *kirpan* with which he is alleged to have committed the offence in question.

3. The learned counsel for the petitioner contends that it is a case of version and cross-version. Only one gun shot injury attributed to Gurlal Singh was found on the person of the complainant during the course of police investigation. The petitioner had been attributed an injury attracting Section 326 IPC. The complainant-Sukhdev Singh had turned hostile and had not identified the petitioner. As the petitioner was in custody since 24.09.2023 but only 00 out of the 16 prosecution witnesses had been



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examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, has filed a short reply by way of affidavit of Gurkirpal Singh, PPS, Deputy Superintendent of Police, PBI, Homicide and Forensic, Tarn Taran, District Tarn Taran, dated 18.12.2024 which is taken on record. While referring to the said reply, he contends that the injury attributed to the petitioner is with a *kirpan* on the right hand of the complainant because of which the middle finger of his right hand had been amputated and consequently, the injury had been declared as 'grievous'. The weapon of offence i.e. *kirpan* had been recovered from him. He was a habitual offender with three other cases registered against him. The effect of PW-1/complainant-Sukhdev Singh turning hostile would be examined during the course of the Trial. However, keeping in view the role played by the petitioner and his antecedents, he was not entitled to the concession of bail.

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

6. A perusal of the allegations and the material on record would show that as per the prosecution case, the petitioner caused an injury with a *kirpan* on the right hand of the complainant-Sukhdev Singh because of which the middle finger of the complainant has been amputated. The allegations, therefore, are grave. The petitioner is a habitual offender with three other cases i.e. FIR No.235 dated 18.11.2020 under Sections 307, 382, 452, 337, 325, 324, 323, 148, 149 and 411 IPC, Police Station Sadar Patti, District Tarn Taran, FIR No.134 dated 26.07.2023 under Sections 307, 379-B(2), 34, 427, 148, 149 IPC and Sections 25/27 of the Arms Act, Saddar



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Patti, District Tarn Taran and FIR No.57 dated 01.04.2023 under Sections 341, 323, 148 and 149 IPC, Sadar Patti, District Tarn Taran registered against him. A co-accused/Gurlal Singh has been absconding for the last more than one year. The effect of the PW-1/complainant turning hostile shall be examined at the time of conclusion of the Trial. Further, no material change in circumstances have been pointed out for the grant of bail to the petitioner after his first bail application was argued and withdrawn on 11.03.2024.

7. In view of the above, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

December 18, 2024
sukhpreet

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