

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

**CRM-M No.36431 of 2023 (O&M)
Date of decision : 30.01.2024**

Ashmandeep Singh @ Ashman

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Iqbal Singh Mann, 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.125 dated 05.11.2021 registered under Sections 307/120-B/34 IPC and Sections 25/27 of Arms Act at Police Station Lohian, Jalandhar.

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

“Statement of Hardev Singh, son of Surjit Singh, Village Sechhewal, Police Station Lohian, District Jalandhar (rural) aged about 34 years. Mobile No. 8699800024. It is stated that I am resident of above mentioned address. On 04.11.2021 at 10.30 p.m., I alongwith my friends Harmeet Singh son of Balwinder Singh and Ramandeep Singh son of Biant Singh, resident of village Sechhewal were standing near the houses of barbers near the chowk of the village, then at once, three clean shaven persons came on one bullet motorcycle and one Sikh person came on Splendor motorcycle. Total four persons came to us. Ashman Singh son of Deba Mantri resident of village Nihaluwal was driving the bullet motorcycle. I do not know the name of that person, who was sitting in the middle. The person, who was sitting at the last said that he is close relative of Manjinder Singh son of Baldev Singh. The person, who was sitting on Splendor motorcycle did not come close to us. The relative of Manjinder Singh started arguing with Ramandeep Singh due to some

reasons after getting aside. He gave a push, on which Ramandeep Singh fell down. I and Harmeet Singh came forward to save Ramandeep Singh. then the relative of Manjinder Singh, whose name I will disclose after reminding the same, asked the person sitting in the middle to fire. Ashman Singh while raising a lalkara said that today they should not go unhurt. On this, the aforesaid person, who was sitting on the motorcycle got out a pistol from his dab and fired at us with an intention to kill us. The first fire hit on the left side of body of Harmeet Singh and the second fire hit on the right thy of Harmeet Singh. I came forward to save him, then the person who was carrying pistol also fired at me with an intention to kill me and the said fire pear through my right thy. When the people started gathering there, all these four persons ran away from the spot alongwith their motorcycle and weapon. Firstly, our relatives after arranging a vehicle took us to Jalandhar, however, the doctor was not available, therefore, we were got admitted in DMC Ludhiana, where I and Harmeet Singh are under treatment. I have come to know that the operation of Harmeet Singh has been got conducted and he is serious. Manjinder Singh son of Baldev Singh, Sichhewal was nursing grudge against us without any reason. He, in conspiracy with these persons, has got made an attempt to kill us. Our third companion namely Ramandeep Singh did not receive any injury. I have got my statement recorded to you and the same is correct. Appropriate legal action may be taken against Manjinder Singh son of Baldev Singh, his relatives and companions.”

3 Custody certificate has been filed. The same is taken on record.

As per the same, the petitioner is behind bars for more than 11 months & 10 days.

4 Learned counsel for the petitioner submits that apart from *lalkara*, no overt act has been attributed to the petitioner. Manjinder Singh who is claimed to be the main motivator behind the crime stands admitted to bail vide order dated 27.05.2022 passed in CRM-M No.404 of 2022. He further submits that PW-2 Ramandeep Singh has died and PWs bearing Sr. No.1, 3, 16 & 17 are not appearing before the Court despite being summoned repeatedly. Reference is made to the orders dated 10.08.2023,

20.09.2023, 12.10.2023 passed by the trial Court which read as under :-

10.08.2023	No PW is present. Summons issued for the service of Pws received back unserved. Now unexamined Pws no.1 to 3, 10, 16 and 17 in the list of PWs be summoned again for 20.09.2023.
20.09.2023	No PW is present. Summons issued for the service of Pws received back unserved. Now unexamined Pws no.1 to 3, 10, 16 and 17 in the list of PWs be summoned again for 12.10.2023. Case is adjourned to date fixed as no earlier date suits to learned defence counsels, other custody cases and other time bound cases are fixed in between.
12.10.2023	Sh.R.S. Ahluwali, Advocate has filed power of attorney on behalf of accused. Sh.M.S. Sachdev, Advocate has filed power of attorney on behalf of complainant. No PW is present. Connected main case in the same FIR is stated to be pending before this Court for 06.12.2023. The accused in this case is in custody. As such, this case is to come up on 16.11.2023. PWs be also summoned for date fixed. Case is adjourned to date fixed as no earlier date suits to learned defence counsels, other custody cases and other time bound cases are fixed in between.

5 Learned State counsel is not in a position to dispute the

aforementioned factual assertions based on record.

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 and the nature of allegations, 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.

(PANKAJ JAIN)
JUDGE

30.01.2024
Pooja sharma-I

Whether speaking/reasoned

Whether Reportable :

Yes

No