



CRM-M-35403-2024
Date of decision : 22.10.2024

Versus

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Mr. Solomon Partap Singh, AAG, Punjab.

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.09 dated 20.01.2023 registered for the offences punishable under Sections 307, 353, 186, 34 of IPC and Section 25-27, 54, 59 of Arms Act at Police Station Beas and enhancement of offence under Section 473 IPC and Section 25(2) of Arms Act, at Police Station Beas, District Amritsar Rural.

4. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

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5. As per the contents of the FIR it was alleged as under :

“xx Stated that I am posted Sub Inspector Counter Intelligence Special Cell, New Delhi CI/SPL- Cell and FIR No. 3 dated 05.01.2023 under Section 25, 54, 59 under Arms Act P.S. Special Cell registered, in the said FIR from the arrest of accused from disclosure statement Rajan Bhatti son of Aliya Masih resident of Mustafabad Jatt District Gurdaspur and Kamaljit Singh @ Cheena son of Amrik Singh resident of Ward No. 5, Thukrala Street, Makhu was nominated, that CI/SPL Cell New Friends Colony, New Delhi team arrested Rajan Bhatti on 19.01.2023. From his inquiry and on disclosure statement Kamaljit Singh @ Cheena Ward No. 5, Thukrala Street, Makhu P.S. Makhu was nominated. Who disclosed that today he had gone to Amritsar through car No. PB-10-EF-4114 Elantra Hundai to bring goods and after return from Amritsar after purchase of goods he has to proceed Delhi. So, I along with SI Rohit Tomar No. D2888, HC Mahender Singh 603/SPC, HC Sunit Singh Yogesh 1594/SPC, Constable following and their Car No. 950/SPC, Constable Rohit 1590/SPC all PB-10-EF-4114 Elantra Hundai was searched and the passenger was coming on private vehicle. When Car No. PB-10-EF-4114 Elantra Hundai stopped at Dhaba Chaunka Chulha near Didar Hotel, Beas, today on 20.01.2023 at about 11.30 AM I am my party conducted raid and before that the police of P.S. Beas was informed through telephone that Kamaljit Singh @ Cheena whose wanted in FIR No. 3 dated 05.01.2023 under Section 25, 54 and 59 Arms Act P.S. Special Cell, New Delhi who is stopped at Dhaba Chaunka Chulha near Didar Hotel, Beas and he has parked his car outside the Dhaba, the force be sent hurriedly, then from your Police Station ASI Surinder Pal, Constable Manavdeep Singh 1961, PHC Baljinder Singh 20044 reached at the spot and disclosed that wanted accused was taking meal inside the Dhaba. To enquire him the police entered inside the Dhaba, who on seeing the police party perplexed and stand up both persons and tried to slip out through

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the other gate and started running. The police party chased both the persons and the said two persons with the intention to kill the police party started firing and the fire struck against left feet of C. Yogesh and was injured. The all tried to rescue ourselves and tried to arrest the accused fired in the air, then the person who was running stopped and he was asked to raise hands, who thrown his pistol from his hand on the ground and raised both the hands upperside. The police party caught hold the said person, whose disclosed his name Kamaljit Singh @ Cheena son of Amrik Singh, Thukrala Street, Makhu, P.S. Makhu District Ferozpur and inquired the name of the other person who had ran away and disclosed that we are together from Burail Jail, Chandigarh, whose name is Parminder Singh @ Pappu son of Malkit Singh, resident of Patti Mansoor Ki Sathiala. Kamaljit Singh @Cheena who has thrown his pistol glock type from his hand on the earth taken into police possession and the pistol was unloaded, from the Magine two live cartridges and one cartridge was recovered from the chamber. That the injured constable employee Yogesh along with C. Rohit 1590 SPC was admitted in Civil Hospital Baba Bakala for treatment. You reached at the spot. Accused Kamaljit Singh @ Cheena along with recovered three live cartridge along with Magine handed over to you. The accused with the intention to murder us attacked, the appropriate legal action be taken against them. xxx”

6. Thus, the allegation against the petitioner and his accomplice was that they fired on the police party and one of the bullets struck Constable Yogesh on his left feet.

7. On the last date of hearing, State Counsel was directed to produce report of the Central Forensic Science Laboratory w.r.t. chemical examination of cotton swab taken out from the injured foot of the Constable



Yogesh. The Report has been produced today in Court, which is taken on record. The same reads as under:

“11. Result of Examination :

Opinion

i. The cotton swabs under reference were examined chemically for the presence of firing discharge residues. On chemical examination, firing discharge residues could not be detected.”

8. As per the FSL report, the conclusion is that no firing residue was detected.
9. I have heard counsel for the parties and have gone through records of the case.
10. Without commenting on the merits of the case, keeping in view the incarceration suffered by the petitioner i.e. 1 year, 8 months and 27 days, nature of allegations and the nature of evidence that has come against the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
11. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

October 22, 2024
Dpr

(Pankaj Jain)
Judge

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