

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.43484 of 2023
Date of decision: 18th January, 2024

Sahib Singh @ Sahib Singh Khural

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Ms. Sandhya Gaur, Advocate for the petitioner.
Mr. Mohit Kapoor, Addl. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.71 dated 27.04.2023 under Sections 307, 120-B of the IPC and Sections 25/54/59 of the Arms Act, 1959 registered at Police Station City Rupnagar, District Rupnagar.

2. Learned senior counsel appearing on behalf of the petitioner inter alia contends that a false and fabricated case has been planted upon the petitioner; it is a case of no injury and the necessary ingredients to attract the mischief of Section 307 of the IPC are clearly missing in the case in hand. Learned senior counsel has still further submitted that the report of the Forensic Science Laboratory (FSL) qua misfired cartridge cannot be believed as the pistol along with the cartridge allegedly

recovered from the possession of the accused was sent for examination after the cartridge had been removed from the barrel of the weapon from which the accused had allegedly fired. It has been further submitted that the petitioner has been in custody since 27.04.2023 and after the challan was presented, only 2 out of the 22 witnesses cited by the prosecution have been examined till date, hence, there is no likelihood of the trial concluding in the near future; in the circumstances, further incarceration of the petitioner, who is also a Lawyer by profession, would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has submitted that the occurrence in question took place in broad day light, and that too, inside the Court room of JMIC, Rupnagar, when one Jasvir Singh alias Jassi was being produced in the Court for the purpose of his remand in a sacrilege case, however, the bullet stuck in the barrel of the firearm which the petitioner was carrying with him at the relevant time; had the bullet not got stuck, it could have led to many casualties; he was thereafter immediately overpowered by the police officials, who were accompanying Jasvir Singh. On being apprehended, the weapon of offence along with five live cartridges as well as one misfired cartridge was recovered from the person of the petitioner. Learned State counsel has submitted that keeping in view the gravity of the offence and the audacity of the petitioner, who admittedly is a Lawyer, to have carried a

firearm along with live cartridges, inside the Court room and thereafter, fired at Jasvir Singh @ Jassi, he does not deserve to be extended the concession of bail, more so, since many material witnesses are still to be examined and there could be every likelihood of the witnesses being influenced by him.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. In the facts and circumstances as enumerated hereinabove, as well as the mode and manner in which the petitioner allegedly committed the crime in question, this Court does not deem it fit to extend the concession of bail to the petitioner. The petition as such is dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 18, 2024
rps

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