



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

CRM-M-44914-2023

Date of decision: 11.09.2024

Harvinder Singh @ Kaka @ Harinder Jit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. SPS Sidhu, Advocate for the petitioner.

Mr. Inderjeet Singh, DAG, Punjab.

Mr. Ankit Bishnoi, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. The petitioner has filed the present petition under Section 439 Cr.P.C. with a prayer for grant of regular bail in a criminal case having FIR No.111 dated 19.06.2022, under Sections 307, 160, 34 IPC and Section 27 of Arms Act, registered at Police Station Sadar, Sri Muktsar Sahib.

2. The allegations in nutshell are that police received information that Jagmeet Singh son of Avtar Singh was having dispute regarding water pipes with his co-villager Karamjit Singh son of Balwant Singh and on 18.06.2022 at about 10 pm, Iqbal Singh and his brother Jagmeet Singh went to irrigate their fields, where aforesaid Karamjit Singh and his son Harwinder Singh @ Kaka (petitioner) also reached in a jeep and then, both the parties started fighting with each other regarding the water pipes belonging to Karamjit Singh which passes through the fields of Jagmeet Singh and cross firing also took place and Iqbal Singh and Karamjit Singh



sustained fire arm injuries and they were removed to two different hospitals and on the basis of aforesaid information, the investigating officer sent ruqa and consequently, FIR No.111 dated 19.06.2022 was registered in the present case.

3. As per allegations appearing on the record at the time of aforesaid occurrence petitioner Harwinder Singh @ Kaka caused fire arm injury to Iqbal Singh and as per cross version, Iqbal Singh caused fire arm injury to Karamjit Singh father of the present petitioner.

4. The counsel for the petitioner submits that the present case involves version as well as cross version. As per cross-version case, Iqbal Singh caused fire arm injury to father of the petitioner. It is further submitted that the plea of the opposite party is that the present petitioner caused fire arm injury to Iqbal Singh. It is further submitted that petitioner is in custody for the last more than 1 year and 4 months and is not involved in any other criminal case. It is further submitted that the material witnesses are examined during trial against the present petitioner. That however, it will take time for the trial to conclude. So, prayer is made that petitioner be released on bail pending trial.

5. The present petition is resisted by the State counsel and counsel for the complainant. Both of whom have submitted that there are specific allegations against the petitioner that he caused fire arm injury to Iqbal Singh. It is further submitted that no doubt, there is a version as well as cross version involved in the present case, but the petitioner being main accused does not deserve concession of bail. The State counsel has not disputed the fact that the petitioner is in custody for last more than 1 year

and 4 months and material witnesses Iqbal Singh and Jagmeet Singh are examined against the petitioner during trial. However, so many other prosecution witnesses remain to be examined.

6. I have considered the submissions made by counsel for the parties.

7. Admittedly, petitioner is in custody for the last more than 1 year and 4 months. Recovery of fire arm used in commission of crime was effected during investigation. It appears that at the time of occurrence, even father of the petitioner also suffered fire arm injury at the hands of the opposite party. During trial, key witnesses are examined. So, there is no apprehension that if released on bail, the petitioner will influence the star witnesses. It will take time for trial to terminate. Further, It is a matter of evidence as to who was the aggressor party. In the given circumstances, no purpose will be served by prolonging the judicial custody of the petitioner.

8. In light of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.09.2024
Yogesh

(KARAMJIT SINGH)
JUDGE

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