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

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**CRM-M-48121-2024
Date of Decision: 30.09.2024**

Chamkaur Singh alias Kauri

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL*******

Present : Mr. Deepak Aggarwal, Advocate,
for the petitioner.

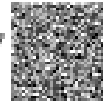
Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

1. The present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.101, dated 27.08.2024 registered under Sections 109, 125, 324(4), 351(2), 191(3), 190 of BNS and Section 25 of Arms Act, 1959, at Police Station City Rampura, District Bathinda.

2. Learned counsel for the petitioner at the outset has drawn attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure P-1. It has been argued that although the petitioner's name does figure in the FIR in question, however, there is no specific attribution qua his participation in the occurrence in question much less any injury having been attributed to him. It has been submitted that the petitioner just happened to be

present at the place of occurrence, when on account of some previous enmity,



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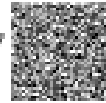
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some cross firing took place between both the parties; rather the petitioner was also hit by a bullet fired by the opposite party for which he was medico legally examined soon after occurrence in question. It has been argued that identically placed co-accused Hemant Karkra alias Honey has since been extended the concession of interim bail by this Court vide order dated 19.09.2024 annexed as Annexure P-2.

3. On a pointed query, learned counsel has submitted that the petitioner has no previous criminal antecedents.

4. Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite has reiterated the allegations levelled in the FIR which stands reproduced hereinunder:-

“F.I.R CONTENTS: To SHO, PS City Rampura. Today, I, ASI along with ASI Akshay Kumar no. 469/Bathinda, Ct. Bharat Bhushan no. 1862/Bathinda, PHG Kulwant Singh 10912, PHG Soma Singh 10852 along with laptop, printer and investigation kit, by boarding a private car, with regard to patrolling and checking of suspicious persons, were present at Drain Bridge, Phul Bus Stand, Mandi Rampura. Then, a respectable person gave a secret information that on dated 26.08.2024, at around 07:00-08:00 pm, two parties had gathered on Phul Road, Grain Market, Rampura after preparation for getting into a quarrel at a decided time, out of them, one party comprised of Rohit Kumar son of Unknown, Dharampreet Singh alias Preet son of Kulwant Singh, Honey son of Raj Modar and Aman Bhatia son of Unknown, residents of Mandir Rampura along with 5-6 unknown persons and the second party comprised of Shagandeep Singh, Chamkaur Singh son of Amar Singh, residents of Dhapali and Gurpreet Singh alias Gopi resident of Selbarha along with 5-6 other unknown persons. Both the parties, due to an old enmity, have fired gunshots at each other while scaring and threatening each other after getting armed with licensed or illegal weapons and swords and other deadly weapons at Grain Market. Phul Road, Mandi Rampura, with the intention to kill. Due to which, the vehicles of both the parties were damaged and, in this exchange of fire, Chamkaur Singh son of Amar Singh resident of Dhapali got hit by gunshot. In case a legal action is not taken against them, then in the



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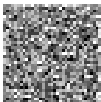
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area of the police station, some big occurrence of quarrel can take place. The information is concrete and trustworthy, and, therefore, a prima facie case u/s 109, 125, 324(4), 351 (2), 191(3), 190 of The Bharatiya Nyaya Sanhita (BNS), 2023, and Section 25 of Arms Act, 1959 are found to have been made out against accused Rohit Kumar, Dharampreet Singh alias Preet, Honey and Aman Bhatia, Shagandeep Singh, Chamkaur Singh, residents of Dhapali and Gurpreet Singh alias Gopi and their 10-12 unknown accomplices, on which, the present ruka, with regard to registration of case against first party Rohit Kumar, Dharampreet Singh alias Preet, Honey and Aman Bhatia along with 5-6 unknown persons and second party Shagandeep Singh, Chamkaur Singh and Gurpreet Singh along with 4-5 other unknown persons under the said offence was written and, by hands of PHG Soma Singh 10852 was sent to the police station. Case be registered and number thereof be informed. Special report be issued. Information be given to DCR and Higher Officials. I, ASI along with fellow officials, am busy in the investigation at Phul Bus Stand, Mandi Rampura at 09:00 pm.

Sd/- ASI Kuldeep Singh 1815 PS City Rampura Dated 27.08.2024”

However, learned State counsel, on instructions from ASI Charanjeet Sharma, has not controverted that no injury had been attributed to the petitioner in the occurrence in question; and further more, the petitioner had indeed sustained an injury on his left foot in the cross fire which took place between the two parties. Learned State counsel has further placed on record the custody certificate of the petitioner, which is taken on record, wherein it stands reflected that the petitioner has no previous criminal antecedents.

5. I have heard learned counsel and perused the material on record.
6. In the facts and circumstances, as enumerated hereinabove and no specific injury or role attributed to the petitioner, the instant petition is allowed as the trial will take considerable time to conclude. The petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial



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Court/Duty Magistrate concerned.

7. 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.
8. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

30.09.2024
monika

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No