

CRM-M-56207-2023

2024:PHHC:016592

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-56207-2023

Date of Decision : February 07, 2024

TAJINDER KUMAR @ HONEY SHARMA @ HONEY KUMAR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Vibhakti Chaudhary, Advocate for
Mr. D.S.Gandhi, Advocate
for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.119 dated 18.7.2023, under Sections 307, 336, 323, 506, 148, 149 IPC and under Sections 25/27 of the Arms Act, registered at P.S. Gharinda, District Amritsar-Rural.

2. In a nutshell, the case of the prosecution is based upon a complaint made by one Sab Singh @ Sabi son of Diwan Singh, the instant FIR was registered with the allegations that the present petitioner alongwith other co-accused had thrown bricks and stones towards the complainant and his friends, namely, Sandeep Singh @ Aman and Arshdeep Singh @ Bhola and the other co-accused Sajan, son of Major Singh, also fired shots upon them.

3. The learned counsel for the petitioner submits that though the petitioner was named in the instant FIR, as being present on a birthday party of main accused Sajan, however, no role is attributed to him. He further submits that the injured Sandeep Singh @ Aman and Arshdeep Singh @ Bhola, had suffered fire arm injury at the hands of Sajan and Sunny, both sons of Major Singh. He further submits that no injury whatsoever, is attributed to the present petitioner, as he was only present at the place of occurrence with empty hands. He further submits that it is clear from the perusal of the FIR, that the petitioner does not share common intention with the other main accused, to cause injuries to the victim concerned.

4. On the other hand, the learned State counsel has vociferously opposed the grant of regular bail to the present petitioner, on the ground that the petitioner was the one of the friend of the main accused, who was present at the spot on the date of occurrence, therefore, the injury, which has been caused to the victim, was a result of common intention shared by the petitioner and the other co-accused. He also filed the custody certificate pertaining to the present petitioner, the same is taken on record. The custody certificate make revelations that the petitioner has suffered incarceration of 6 months and 11 days as on today and he is also stated to be involved in one more case. He further submits that the challan has already been presented, however, other main accused, namely, Sunny is yet to be arrested, therefore, the investigation *qua* Sunny is still pending.

5. Be that as it may, considering the fact that though the

petitioner was present on a birthday party of his friend, however, the gun shot injury, as suffered by the victim concerned is not attributed to the present petitioner, rather he was empty handed and the petitioner has already suffered incarceration of about 6 months and 11 days as on today and whether, the petitioner had shared common intention at the time of occurrence is a moot question, which needs to be adjudicated by the learned trial Court concerned at the appropriate stage, on adduction of evidence by the prosecution, therefore, at this stage, this Court deems it appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

6. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

February 07, 2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No

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