



CRM-M-57003-2024

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(223)

CRM-M-57003-2024
Date of Decision : 21.11.2024

Kanwaljit Singh @ Kamajeet Singh @ Kanwal @ Kamal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

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

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Section 483 of the BNSS, 2023, the petitioner prays for grant of regular bail in case FIR No.147 dated 20.07.2023 (Annexure P-1), under Sections 307, 506, 148 and 149 of the IPC, 1860 (Sections 212 and 201 of the IPC, 1860, added later on), and under Sections 25/27/54/59 of the Arms Act, 1959, registered at Police Station Gate Hakima, Amritsar.

FACTS OF THE CASE

2. The present FIR came to be registered, at the instance of Harmanjot Singh, which reads as under:-

“Statement of Harmanjot Singh son of Narinder Pal Singh, resident of House No.4833, Gali No.3, near Petrol Pump, Gali Damganj, Amritsar, aged 30 years, Mobile No. 9878700547. Stated that I am resident of above



mentioned address and I worked with Anil Arora Enterprises, which is established in 2023 in Amritsar and who works as liquor dealer and I keep taking legal action against the seller of illicit liquor within the limits of Police Station Gate Hakima. Today in the intervening night 19/20.7.2023 I of was sleeping with my family and my father Narender Pal Singh when at around 11.30, the door of our house knocked, so I came alongwith my father to see who had come at this time. When my father Narinder Pal Singh opened the door, Sagar son of Kewal Singh, resident of Ballewala Khoo, Islamabad, armed with pistol, Danish resident of opposite Street Gurudwara Putli Ghar, Amritsar, Khanjar, resident Kamal of Noore Shah Colony, near Railway Fatak, Amritsar were standing armed pistol. Then from street at with the back side, Rocky Mota resident of Signal Down wali street, near Bhagat Kareem Mandir, Mohalla Ghumiara, Amritsar armed with datar, Lucky resident of Street Opposite Gurudwara Pipli Sahib, Putli Ghar Amritsar, armed with kirpan, alongwith 21-3 unknown persons were standing, who were also armed with deadly weapons seen standing. Then Rocky mota gave a lalkara that let us catch Harman and teach him a lesson of getting our illicit liquor seized. Then Sagar with an intention to kill starting firing on me and my father with an intention to kill. One bullet landed in the stomach of my father and blood started oozing out and he fell on the ground. I ran into the room and saved myself. All the accused alongwith the deadly weapons, while threatening ran away from the spot, with their respective weapons. After arranging for the vehicle, I shifted my father to Amandeep Hospital, where he is under treatment. The cause of enmity is that they all do the work of illicit liquor and I am working with liquor contractors, due to which they keep an enmity with me. Because I do not let them sell liquor. Due to this



reason, with an intention to kill, they fired at me and they have injured my father Narinder Pal Singh. Kindly take legal action. Statement has been given, read over, it is correct.”

SUBMISSIONS BY LEARNED COUNSEL FOR THE PETITIONER

3. On asking for the relief (supra), learned counsel for the petitioner submits in the FIR (supra), there are specific allegations against the accused Sagar, who had opened the fire, which hit in the abdomen of father of the complainant, whereas, during the investigation, it was the petitioner, who was alleged to be the person, who had opened fire. He further submits that the co-accused Sagar, has already been extended the relief of regular bail, by coordinate Bench of this Court, by drawing an order dated 06.08.2024, passed in CRM-M-30557-2024 (Annexure P-3). In addition, learned counsel submits that the petitioner has suffered incarceration of more than 08 months, as on today, and though he is stated to be involved in one other case, however, the same is not of similar nature, in fact, the second FIR was registered under the NDPS Act, and in that case, he is on bail. Finally, he submits that charges in the FIR (supra), are yet to be framed, therefore, the conclusion of the trial would take long time.

SUBMISSIONS BY LEARNED STATE COUNSEL

4. The submissions, as made by the learned counsel for the petitioner, is strongly opposed by the learned State counsel, to the effect that the petitioner is the person, whose role has been surfaced during the investigation to the extent that he had opened the fire, which resultantly, hit the abdomen of father of the complainant. Learned State counsel, fairly concedes that the petitioner is involved in other case, under the NDPS Act, and in that case, the petitioner is on bail. He further informs this Court, on

CRM-M-57003-2024

instructions imparted to him from the Investigating Officer concerned, that the charges in the instant FIR, has not yet been framed, whereas, final report stands filed, and the prosecution has cited total 18 witnesses.

5. Learned State counsel has also placed on record the custody certificate dated 20.11.2024, qua the petitioner, today in the Court. The same is taken on record, which reflects that the petitioner has suffered incarceration of 08 months and 10 days, as on today.

DECISION

6. This Court has heard the rival submissions, as made by the learned counsel for the parties concerned, and is of the view that the instant petition is amenable to be allowed considering the period of incarceration suffered by the petitioner i.e. 08 months and 10 days, as on today, and the fact that the co-accused Sagar, has already been extended the relief of regular bail, by drawing an order (supra), passed by coordinate Bench of this Court, this Court deems it appropriate to enlarge the present petitioner on regular bail. Accordingly, the instant petition is **allowed**.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.

8. However, anything observed hereinabove shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

November 21, 2024
Manpreet

MANPREET SINGH
2024.11.22 16:37
I attest to the accuracy and
authenticity of this
order/judgment

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