



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

207

CRM-M-42042-2024

Date of decision: 17.01.2025

Daya Singh @ Diya Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. K.D. Sachdeva, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Paras Khindri, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0067 dated 04.04.2024 under Sections 307, 341, 506, 120-B, 148, 149 of the IPC read with Sections 25, 27 of the Arms Act, 1959, registered at Police Station Lopoke, District Amritsar (Rural).

2. Learned counsel for the petitioner submits that the petitioner having been falsely implicated in the present case for allegedly firing on the thigh of PW-1 Gursahib Singh (complainant) is evident from the fact that while stepping into the witness box not only PW-1 Gursahib Singh but even the other material witnesses PW-2 and PW-3 did not support the case of the prosecution, as a result of which all these material witnesses were declared hostile. In support, learned



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counsel has placed on record copies of deposition of these material witnesses. Learned counsel submits that in the given circumstances, further incarceration of the petitioner would serve no useful purpose, who has now been in custody for almost 08 months having been arrested on 05.04.2024 and 19 prosecution witnesses still remain to be examined.

3. Per contra, learned State counsel assisted by learned counsel for the complainant, has not disputed the submissions made by the counsel opposite that all the material witnesses including the complainant who was allegedly inflicted a firearm injury by the petitioner, have not only been examined but have been declared hostile during trial.

4. Learned counsel for the complainant does not oppose the prayer made by learned counsel for the petitioner for extending the concession of bail to the petitioner.

5. However, learned State counsel has opposed the prayer made by the counsel opposite in view of the allegations levelled against the petitioner in the FIR in question, which stands reproduced hereinunder:-

“Statement of Gursahib Singh @ Saba son of Raj Singh resident of Sarangra PS Lopoke District Amritsar aged about 30 years mob no. 98557-74121

Stated that I am the resident of above said address and is working as agriculturist. Yesterday on 03.04.2024 at about 10.00 pm in the night I and my friend Narinder Singh @ Ninda son of Nachattar Singh resident of Village Sarangra were going to village Lopoke regarding some work in my car bearing no. PB02-DC -7722 marked Maruti Alto, when I and my friend Narinder Singh @ Ninda reached near canal outside the village and I slowed down my car



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and I saw in the lights of my car that Daya Singh son of Buta Singh resident of village Sarangra was standing there armed with Revolver along with his I-20 car colour White bearing no. 6168 which I read, who signaled me to stop then I stopped my car and came out of my car. In the mean time Daya Singh fired straight at me with his revolver with an intention to kill which hit on my thigh of right leg and then I fell down on the ground. Then I saw in the lights of my car that Rajinder Singh @ Tita son of Sarwan Singh resident of Vanike armed with revolver came out from the front seat of driver side from the car of Daya Singh and Guravtar Singh son of Lakha Singh resident of Vanike armed with spring field, Gurbhagat Singh son of Buta Singh empty handed and Nirvail Singh son of Puran Singh empty handed resident of Sarangra came out from the back seat and immediately Rajinder Singh @Tita fired at me with his revolver straight towards me with an intention to kill which touched my right arm then I somehow managed to sit in my car and then I started my car and moved towards my house but Daya Singh along with his companions followed our car with their car then I stopped my car in front of the main gate of my house then Guravtar Singh above said fired straight at us with an intention to kill with his spring field which crossed the dickey and both seats of the car and hit on the right side of the back of my friend Narinder Singh @ Ninda above said who was sitting on the front seat on the left side. Then we started hue and cry then my uncle's son Punjab Singh son of Satnam Singh resident of Sarangra came out and the accused persons ran away from the spot while threatening to kill. The reason of the grudge is that some days before we had some heated arguments with Daya Singh in gym because of which Daya Singh along with his companions in connivance with each other fired straight on me and my friend Narinder Singh @ Ninda with an intention to kill and Daya Singh has fired on us under the influence of his father Buta Singh son of Sarwan Singh and uncle Puran Singh son of Sarwan Singh resident of Sarangra. Thereafter my uncle's son Punjab Singh son of Satnam Singh resident of Sarangra arranged the conveyance and admitted me and my friend Narinder Singh @ Ninda above said in Civil Hospital Lopoke where we were given first aid and referred to Guru Nanak Dev Hospital Amritsar for the treatment. Today I came to Civil Hospital Lopoke for my X-ray. The statement is recorded before you, heard the same and it is correct. Legal action be taken against the accused persons. SD/ Gursahib Singh attested by Wilson Kumar SI PS Lopoke dated: 04.04.2024.”



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6. I have heard learned counsel for the parties and perused the material placed on record.

7. The petitioner allegedly fired towards the thigh of the complainant in the alleged occurrence. All the 03 material witnesses including the complainant did not support the case of the prosecution. In the given circumstances, this Court deems it fit to extend the concession of bail to the petitioner as there can be no risk of the petitioner intimidating/influencing the witnesses. The trial is unlikely to conclude in the near future.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

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

17.01.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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