

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

CRM No.M-13939 of 2015 (O&M)

Date of decision:28.05.2015

Gurmit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Baljit Mann, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. seeking the benefit of regular bail to the petitioner in case FIR No.53 dated 16.06.2012, under Sections 302/307/323/336/148/149 IPC and Sections 25/27/54/59 of the Arms Act, registered at Police Station Ghuman Kalan, District Gurdaspur.

Counsel for the parties have been heard at length.

Deceased in the present case is Harjinder Singh. The date of alleged occurrence is stated to be 16.06.2012. Main accused in the present case is Jagjit Singh, who had allegedly fired a shot from his .32 bore revolver and which hit Harjinder Singh on the left side of his chest. Insofar as the present petitioner is concerned, even as per prosecution version, he is stated to have fired shots at Surjit Singh, who was present at the time of occurrence.

It has gone uncontroverted that co-accused, Jagjit Singh has

already been granted the benefit of bail by this Court in the light of order dated 24.04.2015 passed in CRM No.M-3152 of 2015.

Petitioner was arrested on 19.06.2012. The issue as to whether offence under Section 302 IPC is made out would be a moot question to be considered during the course of trial.

That apart, it may be noticed that the trial is still at the initial stage inasmuch as out of 29 prosecution witnesses only 4 have been examined till date.

In an overview of the matter the petitioner is held entitled to the concession of bail.

Accordingly, petition is allowed. Petitioner, Gurmit Singh be enlarged on bail subject to the satisfaction of trial Court/CJM, Gurdaspur.

Disposed of.

28.05.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**