

CRM-M-30346-2016

Date of Decision : 09.09.2016

Sarvesh Kumar @ Gudgo

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Vishal Deep Goyal, Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

Mr. R.S. Bains, Advocate
for the complainant.**M.M.S. BEDI, JUDGE (ORAL)**

Petitioner has been in custody with effect from 13.05.2016 in a case registered at the instance of Swarnjeet Singh alleging that on 20.03.2016, Resham Singh along with Ujagar Singh, petitioner and 25-30 other persons trespassed in the plot of complainant and Resham Singh started cutting the lock with an iron cutter while other co-accused armed with 12 bore guns fired at the complainant on account of which he received pallet injuries.

So far as the petitioner is concerned, he is not specifically named in the FIR but has been involved on the basis of CCTV footage and the statement of Kamaljit Singh.

After hearing learned counsel for the petitioner and learned State counsel, I have gone through the police file brought by Head Constable Surjit Singh. It transpires that there is no allegation against the petitioner of having fired or injured anyone. The culpability of the petitioner, as member of unlawful assembly which had indulged in

constructing of wall in the plot and also removed the bricks, will certainly be a debatable issue.

Taking into consideration the period of detention suffered by the petitioner and challan having been presented, the petitioner can be granted the concession of bail.

The petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(M.M.S. BEDI)
JUDGE

09.09.2016
Neha

Whether Speaking/Reasoned:	Yes/No
Whether Reportable:	Yes/No