

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

**CRM No. M-11965 of 2017 (O&M)
Date of Decision: 24.04.2017**

Gurpreet Singh @ Gopi Varana

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.230, dated 04.09.2015, under Sections 307/148/149 IPC and Section 25 of the Arms Act (Subsequently added Sections 302/452/323/34 IPC), registered at Police Station Sultanwind, District Amritsar City.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Poonam in relation to an occurrence that took place on 04.09.2015 and in which her husband Resham Singh was physically assaulted and attacked and who succumbed to his injuries on the following day i.e. on 05.09.2015. Initially, FIR was registered under Sections 307/148/149 IPC and Section 25 of the Arms Act but subsequently offence under Section 302 IPC was also added.

As per initial statement of the complainant i.e. wife of the deceased, Sunny Cholla was armed with a pistol and Sagar was armed with a sword. Sunny has been attributed a pistol shot which hit the deceased close to his private parts and likewise Sagar has been attributed sword blows also in the groin area. Name of the present petitioner does not figure in the FIR, even though, in the initial statement of the complainant, co-accused, Sunny Cholla and Sagar were stated to be accompanied by 10-12 other unidentified people.

Present petitioner is sought to be implicated on the basis of a supplementary statement of the complainant recorded on the date of incident itself and in terms of which the present petitioner was stated to be armed with a *datar* and present at the spot. However, there is no allegation with regard to infliction of *datar* blow upon the deceased. Similar statement has been recorded of the mother-in-law of the complainant and who is stated to be an eye witness to the occurrence.

Petitioner has faced incarceration since 09.08.2016.

Investigation in the case is complete, challan stands presented and the case stands committed to the Court of Sessions. Trial is stated to be at the very initial stage.

It has also gone uncontroverted that Vinod Kumar co-accused and who was also named in the supplementary statement of the complainant has been granted benefit of regular bail by this Court in the light of order dated 16.03.2017 passed in CRM-M-6052-2017.

Without making any observations on merits and keeping in

view the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Amritsar.

Disposed of.

24.04.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |