

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M-12651 of 2017
Date of Decision: August 01, 2017.**

Gurdev Singh

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner (s).

Ms. Rajni Gupta, Sr. D.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.212 dated 12.10.2016 registered for the offences punishable under Sections 307, 336, 34 of IPC and Section 25/27 of Arms registered at Police Station Civil Lines Batala, District Gurdaspur

Heard.

As per case of prosecution, the petitioner was member of marriage party and was having a double barrel gun with which he had fired two shots in air. The relatives asked him not to do so at which one Massa Singh (non-applicant) resisted and asked another young man, who was wearing *kurta pajama* to take the riffle from Gurdev Singh and fire shot at the person who was preventing Gurdev Singh to fire shot in air. That person took the riffle of Gurdev Singh and fired a shot which hit the left foot of daughter of complainant. It is alleged that after the incident, the petitioner along with Massa Singh and that young boy ran away from the spot.

From the allegations in the complaint it is apparent that shot which hit the daughter of complainant was not fired by the petitioner. Even

as per the report of the Medical Officer, Central Jail, Gurdaspur, the petitioner has pain in both legs and difficulty in walking. He cannot walk without support. Learned counsel for petitioner submits that two years ago, the petitioner had fallen from the roof and had undergone operation. His both the legs were fractured. He had scar marks, swelling, tenderness and pain in both his legs, as a result of which, he cannot walk without support. The version of prosecution that he ran away from the spot is not correct.

Keeping in view the facts and circumstances discussed above and taking a note of the medical report of petitioner placed on record today, the present petition is allowed. Petitioner Gurdev Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

(SURINDER GUPTA)
JUDGE

August 01, 2017
deepak.

Whether speaking/reasoned: **Yes/No**

Whether Reportable: **Yes/No**