

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

**Crl. Misc. No.M-17728 of 2017 (O&M)
Date of Decision: August 02, 2017.**

Gurpreet Singh @ Gaini

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. RVS Chugh, Advocate
for the petitioner (s).

Ms. Rajni Gupta, Senior 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. 221 dated 05.12.2016 registered for the offences punishable under Sections 307 read with Section 34 of Indian Penal Code, Sections 25, 27 of Arms Act and 3 of SC & ST Act at Police Station Dakha, District Ludhiana Rural

Heard.

As per the allegations in the FIR, main accused Jaggu had fired shots at the complainant and other three persons, who were accompanying him were armed with iron rods. There is nothing in the FIR that other three persons accompanying the main accused Jaggu had either raised *Lalkara* or used the iron rod.

Learned State counsel on instructions from HC Jaswant Singh submits that though the petitioner is not named in the FIR, he has been identified by one Jagdeep Singh.

The petitioner was arrested in this case on 07.12.2016. As per the case of the prosecution, Jaggu, who is involved in other two cases as well, which were registered against him on the statement of complainant, had come to his house and fired two shots and one of the shot pierced through shutter of the house but did not hit the complainant. Three persons were accompanying him at that time and the petitioner had been identified as one of those three persons by one Jagdeep Singh. No role has been attributed to the petitioner in the occurrence except his presence at the spot.

keeping in view the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Gurpreet Singh @ Gaini 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- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

August 02, 2017
Sachin M/Jyoti-II

(SURINDER GUPTA)
JUDGE

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

Whether Reportable: ***Yes/No***