

209.

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

CRM-M-43417-2017

Date of decision:21.11.2017.

GURPREET SINGH

... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Ms. Amarinder Kaur, Advocate,
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.65 dated 15.06.2017 under Sections 307/34/506/25 IPC and Section 25 of the Indian Arms Act, 1969, registered at Police Station Barnala, District Barnala.

Learned counsel for the petitioner has argued that the petitioner is in custody since 05.10.2017. As per the FIR version, it is the accused Heepa Singh who has fired on the person of complainant with an intention to kill him, though the fire did not hit him. But during the course of investigation, said Heepa Singh was found innocent and accordingly, exonerated. So far as the other accused, namely, Sukhpal Singh @ Gora Singh is concerned, he has already

been admitted on regular bail by the trial Court. The petitioner has falsely been implicated in the case. No role has been attributed to him in the FIR.

Learned State counsel, on instructions from ASI Sarabhjit Singh, does not dispute the aforesaid fact and states that Heepa Singh was found innocent during investigation. He further states that the name of the petitioner has been noticed in the supplementary statement given by the complainant-Lakhvir Singh @ Lakha.

I have heard learned counsel for the parties.

So far as the other accused, namely, Sukhpal Singh @ Gora Singh is concerned, he has already been admitted on bail. As per the FIR, initially there was no allegation against the petitioner and he has not been named even. It is not the case of the prosecution that the complainant does not know the petitioner. So far as the other accused as named in the FIR i.e. Heepa Singh is concerned, he was quite familiar with the complainant. The complainant has levelled allegation against those persons in the FIR. Thus, by way of supplementary statement, the complainant has given a different version which is otherwise missing in the initial FIR.

Considering the fact that the petitioner is in custody since 05.10.2017 and the trial in the case will take long time, the petitioner is admitted on bail subject to his furnishing adequate bail/surety bonds to the satisfaction of the trial Court.

Accordingly, present petition is allowed.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

21.11.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No