

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-13303 of 2018

Date of Decision: April 19, 2018

Dharam Pal

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. S.P.S. Sidhu, Advocate
for the petitioner

Mr. Amandeep S. Gill, Sr. DAG Punjab

Mr. Rishabh Gupta, Advocate
for the complainant

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 5 dated 10.01.2018, registered under Sections 307, 452, 148, 149, 120-B IPC and Sections 25/27 of Arms Act, 1959 at Police Station Mamdot, District Ferozepur.

Learned counsel for the petitioner submits that the only role attributed to the petitioner in the FIR is that he was present at the spot armed with baseball bat and that he raised a lalkara. He has been in custody since 03.03.2018. The investigation is complete and challan has already been presented. The trial is going to take some time and, therefore, no useful purpose would be served by keeping the petitioner in custody.

Learned State counsel opposes the prayer for bail on the ground that there are five injured persons and all of them have suffered gun shot injuries.

Learned counsel for the complainant supports the arguments of learned State counsel and further states that the petitioner is involved in other criminal cases as well and if he is granted regular bail he is likely to interfere in the trial.

On being asked whether the petitioner has any other criminal case pending against him, learned State counsel on instructions from ASI Sukhpal Singh has submitted that there is no other criminal cases pending against the petitioner.

Keeping in view the fact that no injury is attributed to the petitioner and that the gun shot wounds are attributable to the co-accused, *prima facie*, the offence under Section 307 IPC will not be attracted in the case of the petitioner. Moreover, the investigation is complete and, thus, possibility of the petitioner trying to influence the witnesses is also remote. The petition is allowed and petitioner – Dharam Pal is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

The complainant/State is, however, at liberty to seek cancellation of bail in case an attempt is made to influence the witnesses during the course of the trial in the case.

April 19, 2018

reena

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No