

CRM-M-13892-2017

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

**CRM-M-13892-2017 (O & M)
Date of Decision: 12.09.2018**

Dharminder Singh @ Gugni

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Adarshpreet Singh Dhaliwal, Advocate for
Mr. G.S.Dhillon, Advocate,
for the petitioner.

Ms. Monika Jalota DAG, Punjab.

INDERJIT SINGH, J. (Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.226 dated 03.11.2011, registered at Police Station Sahnewal, Ludhiana, under Sections 302, 307, 379, 506, 148 and 149 of the Indian Penal Code and Sections 25 and 27 of the Arms Act, 1959.

Notice of motion was issued. Learned State counsel appeared and contested the instant petition.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the record, I find that as per the allegations in the FIR, co-accused Goldy was armed with rifle and he caused fire-arm injury to

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Sandeep in his stomach. The present petitioner fired shot on the left cheek of Surinder Singh @ Chhinda, who died later on. Though the present petitioner is the main accused and was armed with deadly weapon and fired shot on the deceased Surinder Singh @ Chhinda, yet he has been in custody since 17.04.2013 i.e. for the last about 5½ years.

It is stated that complainant and two eye-witnesses have already been examined and some more witnesses including injured-Sandeep are still to be examined. Learned counsel for the petitioner submits that at this stage, there is no possibility of examination of witnesses-Sandeep and Amrinder Singh as Sandeep has already been declared proclaimed offender in another case and Amrinder Singh is residing abroad.

Vide order dated 03.08.2018, this Court has already asked the Investigating Officer of this case and S.H.O. of the concerned police station to produce the witnesses before the trial Court at the earliest.

Keeping in view the custody period already undergone by the present petitioner and in view of the fact that examination of remaining witnesses may take a long time as they are immediately not available for getting their statements recorded, I find that it a fit case where the petitioner is entitled to the benefit of regular bail. Therefore, finding merit in the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to his furnishing personal bonds in the sum of ₹50,000/- with two sureties in the like amount each to the satisfaction of the trial Court/Duty Magistrate.

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It has been brought to the notice of this Court that in compliance of order dated 03.08.2018, no witness has been examined by the court including formal witnesses. Commissioner of Police, Ludhiana is directed to inquire into the matter and file his personal affidavit within a period of one month as to why the Investigating Officer of the present case and S.H.O. of the concerned police station have not complied with the order dated 03.08.2018 passed by this Court.

12.09.2018

parveen kumar

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No