

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

CRM-M No.16356 of 2018

Date of Decision: 30.04.2018

Gurpreet Singh

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ripudaman Singh Sidhu, Advocate for
Mr. Dharminder Singh Randhawa, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab.

Augustine George Masih, J. (Oral)

Prayer in this petition is for grant of regular bail filed under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.119 dated 13.07.2017 registered under Sections 307, 148, 149, 506 IPC and Section 25, 54, 59 of Arms Act, at Police Station City, Rupnagar.

Custody certificate filed by the learned State counsel, today in the Court, is taken on record.

It is the contention of learned counsel for the petitioner that although in the FIR, it has been stated that as per allegation petitioner had opened fire with his weapon upon the complainant, but the complainant

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lifted his right hand to save himself and bullet hit on his hand. Submission is that no bullet or any foreign material has been found in the wound. He further contends that the petitioner was arrested on 18.07.2017 and since then he is in custody. The challan has been presented and the charge has also been framed on 10.11.2017, but till date no witness has been examined out of 18 prosecution witnesses as cited by the prosecution. The trial is not likely to conclude in near future and further incarceration of the petitioner would not serve any purpose. That apart, this is the only FIR registered against the petition in which he has been falsely implicated, and therefore, petitioner be granted the concession of bail.

Learned counsel for the State submits that there is injury which has been found on the right hand of the complainant. Further assertion is that petitioner is not entitled to the regular bail as the recovery of weapon and live cartridges have been effected from the petitioner. Assertion with regard to number of witnesses and non-examination of any witness could not be disputed by the State counsel, on instructions from ASI Raghubir Singh, Police Station City, Rupnagar.

Having considered the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner is not involved in any other case and it is not clear from the opinion as to whether it is a fire arm injury or not, apart from the fact that trial is not likely to conclude in near future and that out of 18 witnesses as cited by the prosecution no prosecution witness examined till date, therefore, the present petition is allowed.

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Petitioner is directed to be released on bail to the satisfaction of the trial Court/Duty Magistrate.

Any observations made hereinabove shall not be taken into consideration for any purpose except for the decision of the present petition.

[AUGUSTINE GEORGE MASIH]
JUDGE

30.04.2018
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No