

CRM-M-18665-2018 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18665-2018 (O&M)

Date of Decision: 25th May, 2018

Gurminder Singh @ Rabhu

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Anupam Bhardwaj, Advocate,
for the petitioner.

Mr. Kuldeep Singh, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM-18299-2018

Prayer in this application is for adding offence under Sections 326, 325, 324 and 323 of the Indian Penal Code in the heading and prayer clause of the petition.

Notice of the application to the Advocate General, Punjab.

On the asking of the Court, Mr. Kuldeep Singh, Sr. DAG, Punjab, accepts notice on behalf of the State, who does not dispute the assertions made in the application.

In view of the above, the present application is allowed. Registry is directed to add Sections 326, 325, 324 and 323 of the Indian Penal Code in the heading and penultimate paragraphs of the petition after Section 149 of IPC.

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Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.308, dated 14.10.2017, registered at Police Station Division-A, District Commissionerate Amritsar, under Sections 307, 336, 148, 149, 326, 325, 324 and 323 of the Indian Penal Code and Section 25 of the Arms Act.

It is the contention of the learned counsel for the petitioner that the allegations against the petitioner is that the petitioner was armed with a pistol and had used the same in the commission of offence. It has also been stated that it is not clear that out the two accused who had used the weapon and fired which hit the right leg of the complainant. As a matter of fact, there is no gun shot injury on any part of the body of the complainant. He, therefore, contends that the allegations against the petitioner are totally false. He further states that the petitioner is in custody since 13.11.2017 and trial is not likely to conclude in near future as out of total 24 prosecution witnesses, none has been examined till date. He, therefore, prays for grant of regular bail to the petitioner during the pendency of the trial.

Counsel for the State, on instructions from ASI Baljinder Singh, P.S. Division A, District Amritsar, could not dispute the assertions of the counsel for the petitioner. He, however, states that recovery of a fire arm has been effected from the petitioner, to which, counsel for the petitioner states that for the said recovery, separate FIR has been registered against the petitioner and therefore, it has no connection with the present petition.

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I have considered the submissions made by the counsel for the parties and keeping in view the facts that no gun shot has been found on the person of the complainant, petitioner is in custody since 13.11.2017 and trial is not likely to conclude in near future as out of the total 24 prosecution witnesses, none has been examined till date, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

25th May, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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