

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

**CRM-M-47971-2018
Date of decision: 17.12.2018**

Gursewak Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 20 dated 19.03.2011, registered under Sections 307, 356, 506, 148 and 149 of the IPC and Sections 25, 27 of the Arms Act, 1959 at Police Station Dayalpura, District Bathinda.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered on the statement of Sukhjinder Singh @ Sukha, the petitioner has allegedly fired a shot which hit the thigh of the complainant.

Learned counsel for the petitioner further submits that the FIR in question pertains to the year 2011 and the petitioner was residing in his village but no efforts were made by the police or by the Investigating Officer to arrest him for the last seven years and during investigation, other persons were found to be innocent.

Learned counsel for the petitioner further submits that in the

intervening period, no efforts were made either to declare the petitioner a proclaimed offender or to arrest him and the petitioner was under the impression that he was also found innocent by the police as there is a matrimonial dispute between the families of the petitioner and complainant.

Learned State counsel, on instructions from HC Karan, could not dispute the fact that after registration of the FIR, for a period of seven years, the petitioner was neither arrested nor he was declared a proclaimed offender and he is in custody since 14.08.2018. Learned State counsel has further submitted that investigation is complete and challan has already been presented.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions made by learned counsel for the parties; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

December 17, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No