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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13774-2019

Date of decision-03.04.2019

Jugraj Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. M.K.Dogra, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Jugraj Singh has prayed for grant of regular bail in case FIR No.178 dated 07.08.2013 under Sections 336, 341, 323 and 148 read with Section 149 of Indian Penal Code (Section 307 IPC added later on) and Sections 25, 27 and 54 of Arms Act, 1959 registered at Police Station Beas, District Amritsar. The petitioner is in custody since his arrest on 01.03.2016.

The FIR was recorded on the statement of Gurdial Singh wherein it was alleged that he works as a labourer and the store keys of Baba Lakh Data were with him, however, the same were given to Kala son of Sarwan Singh. There was a dispute regarding the return of keys with Kala son of Sarwan Singh. On 07.08.2013, when Manjit Kaur (mother of complainant) was going to Aanganwari then, Jugraj Singh, Shamsheer Singh

and Gian Singh along with Sukhdev Singh Fauji and Sarwan Singh stopped her and asked her to hand over the keys of the store. After some time, Jugraj Singh along with his companions started abusing the mother of the complainant. At that stage, Gian Singh picked up a brick and hit on the head of Manjit Kaur. The others also pelted stones/bricks and Jugraj Singh fired four gun shots in the air. On these broad allegations, the above said FIR was recorded.

Learned counsel for the petitioner contends that the petitioner is in custody for the last more than three years and the complainant has testified before the Court, who has been declared as hostile witness. Out of 20 witnesses only three have been examined. It is further submitted that the firing is in the air and the injury suffered by the mother of the complainant is simple in nature and it is attributed to one Gian Singh. According to him, it would be debatable as to whether the offence punishable under Section 307 IPC is made out.

On the other hand, learned State counsel assisted by ASI Kulwant Singh opposed the bail application. It is fairly stated by him that the complainant has turned hostile and the only allegation against the petitioner is of firing in the air.

Considering the custody period of the petitioner and the pace at which the trial is progressing, this Court is of the opinion that further detention of the petitioner is not justified. Therefore, without meaning any expression of opinion on the merits of the case, petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing

requisite bail bonds/surety bonds to the satisfaction of the trial Court,
Amritsar.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

03.04.2019
vanita

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