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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1189-2020
Date of decision-20.01.2020

Gursewak Singh @ Sewak

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. L.M.Gulati, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Vishva Bahl and Mr. Gagandeep Singh Bajwa, Advocates
for the complainant.

MANOJ BAJAJ, J.

Petitioner-Gursewak Singh @ Sewak has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.98 dated 30.06.2019 registered under Sections 307, 323, 324 and 148 read with Section 149 of Indian Penal Code, 1860 (Section 326 IPC added later on) and Sections 25 and 27 of Arms Act, 1959 at Police Station Maqboolpura, District Amritsar. The petitioner is in custody since his arrest on 02.07.2019.

The FIR was registered on the statement of Charanjit Singh son of Kashmir Singh wherein it was alleged that on 28.06.2019, at about 8.30 p.m., when complainant was walking near his house, then Satinderbir Singh, Gursewak Singh (petitioner) and Sonu, maternal uncle of Gursewak Singh

alongwith three other persons came there. Satinderbir Singh fired a gunshot and due to fear, complainant fell down on ground and Gursewak Singh gave datar blow on head of the complainant. Thereafter, Gursewak Singh and Sonu gave datar blows on the elbow of complainant, then Satinderbir Singh raised lalkara that he be taught lesson. On raising noise by complainant, all assailants fled away from the spot. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that the petitioner is in custody since 02.07.2019 who is alleged to have caused two injuries, one on the head and one on the left elbow of the complainant. He further contends that the head injury is simple in nature whereas the other injury is grievous. According to him, the investigation of the case is complete and trial will take long time as the other co-accused are yet to be arrested, therefore, custody of the petitioner may not be necessary.

On the other hand, learned counsel for the complainant as well as learned State counsel assisted by ASI Shiv Kumar opposed the prayer. It is pointed out that the gunshot was fired by Satinderbir who is yet to be arrested. However, no injury was suffered by the victim as a result of the said gunshot. The charges were framed on 30.11.2019 and no witness has been examined so far.

After hearing learned counsel for the parties, this Court finds that the trial is likely to consume considerable time and no useful purpose would be served by keeping the petitioner behind the bars, particularly when the investigation of the case is complete. Resultantly, without meaning any

expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

20.01.2020
vanita

(MANOJ BAJAJ)
JUDGE

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