

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 8533 of 2020

Date of Decision: 29.10. 2020

Gurmeet Singh alias Meetu

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sant Pal Singh Sidhu, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, Assistant Advocate
General, Punjab for the respondent.

Mr. Inderpal Singh, Advocate
for the complainant.

Anil Kshetarpal, J.

The petitioner prays for grant of regular bail pending trial in a criminal case arising from FIR No. 8 dated 28.01.2019, registered under Section 307, 324, 323, 148, 149 & 506 IPC and Section 25 of the Arms Act, 1959, at Police Station Mamdot, District Ferozepur.

The case of the prosecution has been noticed by the learned Additional Sessions Judge, Ferozepur in para 2 of its order dated 10.02.2020, which is extracted as under:

“The FIR of this case was registered by the complainant Oman Mehta son of Mangat Ram son of Darshan Lal, resident of Khunder Uttarh, Police Station Mamdot, with the allegations that on 27.01.2019 at about 04.00 PM, he was talking with his paternal uncle Dharam Pal and nephew Jashan

Mehta outside their shops. Balwinder Pal empty handed, Sunil Mehta alias Bablu armed with pistol, Sajan Mehta armed with baseball bat, Gurmeet Singh (present applicant) armed with pistol, Shanker, Balkar Singh empty handed, Lal Singh alias Lalu armed with handle of spade, Dharam Pal alias Billa armed with handle of spade, Komal armed with sword, Jasvir Singh alias Jassu armed with baseball bat along with 4-5 unidentified persons came there. Balwinder Pal and Balkar Singh raised lalkara, whereupon Komal gave a blow with sword, which hit at the wrist of right hand of the complainant. The applicant fired shots from his pistol with an intention to kill, which hit at the back of Dharam Pal and left knee of Jashan Mehta. Sunil Mehta @ Bablu fired shots in the air. Shanker, Sajan, Lal Singh alias Lalu and Dharam Pal alias Billa also inflicted injuries to the complainant party with their respective weapons. People gathered at the spot and thereafter, the assailants fled away from the spot along with their respective weapons. A prayer was made for taking action against the applicant and other accused”.

The previous petition filed by the petitioner for grant of pre arrest bail vide Criminal Misc. No. M-43265 of 2019 was dismissed on 14.10.2019. Thereafter, the petitioner surrendered and is in detention since 26.12.2019. The case of the prosecution against the petitioner is that he fired two bullets from his revolver injuring two victims. One injured suffered the bullet injury below the hip joint whereas other victim suffered bullet injury

on his left knee. There are as many as 11 accused in the present case. The concession of bail has already been extended to ten accused. All the accused released on bail as well as the victims are residing in the same village. There is no breach of peace thereafter. From the reading of the FIR, it is apparent that the dispute arose because of party faction in the Panchayat elections. On completion of the investigation, the challan has been presented, however, the charges are yet to be not framed. The conclusion of the trial is likely to take time.

Mr. Sofat, Learned counsel appearing for the state, has admitted that the petitioner is not a person with criminal antecedents.

Mr. Inderpal Singh has pointed out that another case has been registered against the petitioner for using mobile phone while he is in detention.

Be that as it may. The conclusion of the trial is likely to take time. The petitioner has already suffered detention for more than 11 months.

Keeping in view the aforesaid facts and without expressing any opinion on the merits of the case, it is considered appropriate to direct the petitioner to be released on regular bail as the conclusion of the trial is likely to take time. Hence, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the learned Area Judicial Magistrate/Chief Judicial Magistrate/Duty Magistrate.

(Anil Kshetarpal)
Judge

October 29, 2020

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No