

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

208

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IN VIRTUAL COURT

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**CRM-M No. 13551 of 2020
Date of decision : 9.7.2020**

Nirmal Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Ms. Divya Jerath, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

This petition has been filed by the petitioner under Section 439 of Cr.P.C. for grant of bail pending trial in case FIR No. 80 dated 14.5.2019, registered under Sections 307, 326 IPC and Section 27 of Arms Act, 1959, at Police Station City Samana.

It is contended by the counsel for the petitioner that the case against the petitioner is baseless. In fact the petitioner is serving as a Security Guard in the bank. During his duty hours, due to some commotion in the bank premises, the fire shot had happened. The petitioner never fired upon any person intentionally. Still further, it is submitted that even as per the prosecution, the medical opinion regarding the injury does not specify the same to be dangerous to life. Therefore, the present case happens to be, at the best, of an offence under Section 326 IPC. The petitioner is in custody for the past about one year. Even charge has not been framed so far. There are 17 witnesses, which are to be examined by the prosecution. Hence, the trial is

likely to take long time. The petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail.

Notice of motion.

Mr. B.S. Sewak, Addl. AG, Punjab, accepts notice on behalf of the State.

Learned State counsel submits that the petitioner resorted to firing at the bank premises. Injury has been caused to a customer of the bank. Section 307 IPC has also been invoked in the matter. Hence, the petitioner does not deserve any concession of bail. However, it is not disputed that the petitioner is in custody for about one year and that there is no medical opinion declaring the injury attributed to him; to be dangerous to the life. It is also not disputed that even charge has not been framed so far and that there are 17 witnesses to be examined in this case.

In view of the above, but without commenting any further on the merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail pending trial on his furnishing bail bonds/sureties to the satisfaction of the trial Court/ Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

9.7.2020

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No