

CRM-M No.40843 of 2020

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.40843 of 2020
Date of Decision:11.12.2020

RAVISHER SINGH ...Petitioner

Versus

STATE OF PUNJAB ..Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. D.S.Pheruman, Advocate, for the petitioner.

Mr H.S.Sullar, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Custody certificate filed by the State by way of affidavit of Superintendent of Jail, Patti, through email, is taken on record.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.230 dated 01.12.2018 registered under Sections 307, 34 IPC and Sections 25, 27 of the Arms Act, 1959 at Police Station Sadar Patti, District Tarn Taran.

Learned counsel for the petitioner states that the present FIR has been lodged on the basis of the statement of Gurjot Singh. As per the FIR, the petitioner was allegedly holding a 12 bore DBBL gun and he had fired a shot from that, which hit the complainant on his right thigh. Co-accused of the petitioner namely, Gurjit Singh, was also alleged to be holding a 12 bore DBBL gun and he too had fired a shot, which hit on the on front side of the complainant's right leg. The said co-accused stands

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enlarged on regular bail by this Court vide order dated 30.01.2020.

The learned counsel for the petitioner states that the petitioner has falsely been implicated in the above noted FIR. He makes a pointed reference to the fact that upon a complaint having been moved by the petitioner's father to Senior Superintendent of Police, Tarn Taran, an enquiry was conducted and vide report dated 30.01.2019, the petitioner was found innocent. He further submits that the petitioner has been in custody for more than two months.

On the other hand, learned State counsel states that once the challan against the accused, including the petitioner, stands presented before the Court, the petitioner cannot claim any benefit of the aforesaid enquiry report. He further states that a specific injury has been attributed to the petitioner, though not on the vital part. He, however, does not dispute the factum of the custody period of the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody for more than two months. The trial is likely to take a long time to conclude. The injury attributed to the petitioner is on the non vital part. Thus, it is a debatable question as to whether the said injury would entail the offence under Section 307 IPC, and the same can only be determined on the basis of evidence during trial. Besides, co-accused Gurjit Singh @ Jeeta has been granted bail by this Court vide order dated 30.01.2020 passed in CRM-M-764-2020.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is

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allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

December 11, 2020

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No