

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-6607-2021 (O&M)
Date of Decision:- 11.10.2021

Puneet Kumar Bains @ Mani

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Satnam Singh Thakur, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Sukhdev Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No. 87, dated 31.5.2020, Police Station Tibba, District Ludhiana, under Sections 307, 452, 148, 149, 188 of IPC and Section 25 of Arms Act.
2. The FIR in question was lodged at the instance of Jaspreet Singh wherein it is alleged that on 31.5.2020 at about 8 pm, when he went to fetch milk from Balak Dairy, then a white coloured car stopped near him from which Jindi armed with a revolver, Pamma, Sunny (nephew of Jindi), Gaurav who all were carrying 'datars' and Mani

who was carrying a pistol along with 5/6 unknown persons came from the street and attacked the complainant and started giving beatings to him. The complainant ran towards Balak Dairy to rescue himself and shut the door. However, the said persons started beating at the door, and took him out of the dairy and again gave beatings to him. When he raised alarm, his father rushed towards him in order to save him. However, Jindi fired from his pistol at his father as well and consequently his father also ran for cover.

3. Learned counsel for the petitioner submits that although co-accused Jindi is alleged to have fired at complainant's father but nobody was hit with any shot in the instant case. Learned counsel has submitted that even as per the medical evidence, complainant Jaspreet Singh has sustained only 3 simple injuries which would not attract offence under Section 307 IPC. Learned counsel has also submitted that in the instant case, the parties have already entered into an amicable settlement and a petition for quashing of the FIR i.e. CRM-M-21463-2021 has already been filed.
4. Opposing the petition, learned State counsel has submitted that the intention of the petitioner and of his co-accused can very well be gathered from the fact that two of the co-accused were armed with pistols and they had also fired though, none is stated to have been injured with the firearm. Learned State counsel has informed that the petitioner as on date has been behind bars since the last more than 10 months and also happens to be involved in several other cases.
5. I have considered rival submissions addressed before this Court.

6. Although, the petitioner is alleged to be carrying a pistol, but nobody is said to have sustained any firearm injury and the only 3 injuries sustained by the complainant are in the nature of simple injuries. In any case, since the matter is stated to have been compromised and a petition for quashing of FIR on the basis of compromise is also stated to have been filed, further detention of the petitioner will not serve any useful purpose as the petitioner has been behind bars for a substantial period of 10 months. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.10.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No