

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

**CRM-M-11899-2021
Date of Decision : 22.11.2021**

Gurvinder Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Kanwaljit Singh, Senior Advocate
with Mr. Harmeet Singh, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

Mr. Gautam Dutt, Advocate
for the complainant.

JASGURPREET SINGH PURI (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR bearing No.191 dated 29.05.2018, under Sections 307, 323, 506, 34 IPC and 25, 27 of the Arms Act registered at Police Station Nissing, District Karnal.

The learned Senior Counsel has submitted that the petitioner is in custody from 03.02.2021, the investigation of the case is already complete and challan has already been presented before the competent

court. Learned counsel for the petitioner has further submitted that it is a case where the petitioner has been falsely implicated by the police. He has submitted that the complainant party, who are the potters, started digging the Panchayat land which went to a large extent (depth wise) and when the petitioner alongwith some persons, who are the residents of same village, stopped them, the complainant party attacked the petitioner and the other co-villagers as a result of which the father of the petitioner namely Amar Singh who is also the co-accused in the present petition fired in self defence. However, the injuries were neither fatal nor serious and they were only superficial injuries which were caused due to the firearm and the use of fire arm as a self defence was done only to scare the complainant party who were the aggressor. Learned counsel for the petitioner has also submitted that the other co-accused namely Amar Singh, who is the father of petitioner, against whom the allegation was that he had fired with his double barrel gun, has been granted bail by the learned trial Court. Furthermore, an application for cancellation of bail was also filed which has since been dismissed qua the other co-accused namely Amar Singh. Learned counsel for the petitioner has further submitted that another co-accused namely Suresh has also been enlarged on bail. He has submitted that the petitioner has clean antecedents, neither he is involved in any other case nor he is a habitual offender and the only case in which the petitioner was involved earlier was under Sections 419, 420 IPC in which he has since been acquitted vide judgment dated 15.02.2014, passed by the learned Judicial Magistrate Ist Class, Karnal (Annexure P-2). Learned counsel for the petitioner has also submitted that there is no recovery from

the petitioner. He further submitted that the trial of the case would take long time and, therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the petitioner is not a habitual offender, he is not involved in any other case and he has since been acquitted in one case registered under Sections 419, 420 IPC. Learned State counsel, on instructions, has further submitted that no recovery was effected from the petitioner. However, he has opposed the grant of bail on the ground that matter is serious in nature.

Mr. Gautam Dutt, Advocate, counsel for the complainant has also submitted that since it was a serious case wherein the injuries have been inflicted by way of firearm, the petitioner is not entitled for the grant of regular bail.

I have heard the learned counsel for the parties.

The custody period of the petitioner is not in dispute. It is also not in dispute that the petitioner is not involved in any other case and he is not a habitual offender. It is also not in dispute that the investigation of the case is already complete and no recovery is to be effected from the petitioner and challan has already been presented before the competent court. The other co-accused namely Amar Singh and Suresh have also been enlarged on bail. Furthermore, it is not the case of the State that in case the petitioner is released on bail he may tamper with the evidence or may influence any witness or may flee from justice.

Therefore, considering the totality of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Trial Court/Duty Magistrate.

However, anything observed herein above shall have no effect on the merits of the case and is meant for deciding the present petition only.

22.11.2021
mamta

(JASGURPREET SINGH PURI)
JUDGE

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