

In virtual Court

CRM-M-23532-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23532-2021 (O&M)

Date of decision: 01.07.2021

Sahil Gupta @ Sagar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.82 dated 01.04.2021 under Sections 302, 506, 148, 149 IPC and Sections 25/27 of Arms Act, registered at Police Station Sadar Amritsar.

Learned counsel for the petitioner has relied upon the order dated 29.06.2021 passed in CRM-M-24265-2021, vide which co-accused Labh Singh has been granted the concession of anticipatory bail. The operative part of the order reads as under: -

“...Learned counsel for the petitioner submits that as per allegations in the FIR, registered on the statement of Parhlad

Kumar @ Pappal, he is doing the business of property dealer and his younger brother is Sunny @ Talli. Co-accused Sunny Gill had leveled allegations against his brother Sunny @ Talli that he has molested his wife Sandhya. The matter was compromised on an earlier occasion. On 31.03.2021, again Surinder Kaur, maternal grandmother of Sunny Gill complained that his brother Sunny @ Talli is harassing their son. On 01.04.2021, Sunny Gill along with the petitioner, who is his maternal uncle, his brother Sonu Gill, Mohinder Singh and others came at the spot. Surinder Kaur (mother of the petitioner and maternal grandmother of Sunny Gill) raised a lalkara to teach them a lesson. Upon which, Sunny Gill fired shot with his pistol towards the complainant, but he escaped, however, bullet hit on the stomach of his mother Lata. Later on, the accused ran away. It is further submitted that maternal grandmother of main accused Sunny Gill, Surinder Kaur has already been granted the concession of anticipatory bail by the Coordinate Bench vide order dated 12.05.2021 passed in CRM-M-18688-2021, noticing the fact that she is an old-lady and is only attributed lalkara. It is also submitted that the petitioner is maternal uncle of Sunny Gill and except the allegations that he was present at the spot, there is no attribution of any active participation, as the deceased died of single gun shot fired by main accused Sunny Gill. It is further submitted that Sunny Gill as well

as his wife Sandhya have been arrested and are in judicial custody.

Learned State counsel, in reply, has submitted that as per the FIR, the petitioner was having a stick, however, there is no allegation that he has used the same or provoked the incident..”

For the sake of brevity, facts are not reproduced again.

Learned counsel for the petitioner submits that the petitioner is nephew of Sunny Gill and except for his presence at the spot, he was not shown to be carrying any weapon. It is further submitted that two co-accused Sunny Gill and his wife Sandhya, against whom there are direct allegations, have already been arrested. It is also submitted that the petitioner is first offender and there is no direct allegation against him that he has caused any injury to any of the victim, as the deceased died due to single gun shot injury, which is attributed to co-accused Sunny Gill.

Learned State counsel has filed the custody certificate dated 01.07.2021 in the Court today and has not disputed the factual position. As per the custody certificate, the petitioner is in custody for the last 02 months and 19 days and is not involved in any other case.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case and also in view of the fact that there is no allegation against the petitioner; he is not involved in any other case and his co-accused Labh Singh has already been released on regular bail, this petition is allowed

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and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

01.07.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No