

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

(I)

CRM-M-26703-2020 (O&M)

Date of Decision:- 29.7.2021

Sunil Kumar @ Nata

... Petitioner

Versus

State of Punjab

... Respondent

(II)

CRM-M-4316-2021 (O&M)

Gaurav

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Piyush Sharma, Advocate,
for the petitioner in CRM-M-26703-2020.

Mr. Lupil Gupta, Advocate,
for the petitioner in CRM-M-4316-2021.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Dharminder Singh.

Mr. Arun Kumar, Gupta, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Sunil Kumar @ Nata and Gaurav, seek grant of regular bail in a case registered vide FIR No. 45, dated 16.8.2018, Police Station Talwara, District Hoshiarpur, under Sections 307/34 IPC & Sections 25/27 of Arms Act.
2. The FIR was registered at the instance of Jasvir wife of Jaswinderpal wherein it has been alleged that her marriage stands dissolved. It is alleged that on 15.8.2018 at about 8:30 p.m. when she and her father were at home, then her brother-in-law Gaurav along with one unknown person entered into their house who were both carrying pistols. It is alleged that Gaurav fired from his pistol hitting on her left thigh and also gave another shot at her right thigh. The second person is alleged to have fired from his pistol hitting on the back side of her head. It is further stated therein that two other companions of the said assailants were standing outside the house.
3. It is further the case of prosecution that the second person who is not named in the FIR but is alleged to be accompanying Gaurav was found to be Sunil.
4. Learned counsel for the petitioners have submitted that the FIR came to be lodged under some misunderstanding which has now been resolved and that the parties have entered into a compromise.

5. Sh. Arun Kumar Gupta, Advocate, representing the complainant is present and has endorsed the factum of compromise and has submitted that he has no objection for grant of bail to the petitioners.
6. Learned State counsel has however, feigned ignorance of compromise. He has submitted that in view of the fact that serious allegations of firing have been levelled against the petitioners, no case for grant of bail is made out. Learned State counsel has however, informed that while Gaurav has been behind bars for the last 2 years and 4 months, the petitioner Sunil has been behind bars since last about 2 years and 10 months. Learned State counsel has informed that the petitioners are however, involved in several other cases.
7. I have considered rival submissions addressed before this Court.
8. Without commenting anything as regards the merits of the case but bearing in mind that the petitioners have been behind bars for a substantial period and the matter is also stated to have been compromised amongst the parties, both the petitions are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.7.2021
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No