

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

**107**

**CRM-M-42939-2020.**

**Date of Decision: 26.07.2021.**

Sukhraj Singh

....Petitioner.

Versus

State of Punjab

....Respondent.

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**CORAM: HON'BLE MR. JUSTICE LALIT BATRA**

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**Present:** Mr. Narinder Singh Dadwal, Advocate for petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

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**Lalit Batra, J.(Oral)**

Present petition under Section 439 Cr.P.C has been moved by petitioner-**Sukhraj Singh** for grant of regular bail in case FIR No.131 dated 30.07.2020 under Section 307 IPC and Section 25 of Arms Act, registered at Police Station City Moga, District Moga.

In compliance of order dated 30.06.2021, status report by way of short reply dated 20.07.2021 in the form of affidavit of Barjinder Singh, PPS, Deputy Superintendent of Police (City), Moga, District Moga, has been filed on behalf of respondent-State, in terms of which, testimony of PW Assistant Sub Inspector Kirpal Singh has already been recorded by the Trial Court on 14.07.2021.

Besides that status report dated 20.07.2021 has been received from Trial Court, in terms of which, testimony of PW Assistant Sub Inspector Kirpal Singh was recorded on 14.07.2021.

Learned counsel for the petitioner *inter alia* contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further submits that as a matter of fact petitioner is suffering from epilepsy for the last several years and to this effect Complicated Chronic Disease Certificate (Annexure P/1) has already been issued by the Medical Board, District Faridkot, on 28.07.2015. He further submits that on the day of alleged occurrence i.e. on 30.07.2020 at about 7:00 PM, petitioner had suffered fits of epilepsy and became unconscious and thus shots were fired from the carbine accidentally. He further submits that no injury was caused to any person due to accidental firing. He further submits that complainant Assistant Sub Inspector Kirpal Singh when appeared in the witness-box as PW-1 has resiled from the prosecution version but at the same time gave concurrence to the cause of petitioner that on account of fits of epilepsy petitioner had fallen down and due to which carbine went off. He further submits that petitioner is in custody since 30.07.2020 and he is no more required by the Investigating Agency for any investigation purpose. He further submits that trial has already commenced and since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and carefully gone through the records of the case.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 30.07.2020; that petitioner is no more required by the Investigating Agency for investigation purpose; that testimony of PW-1 Assistant Sub Inspector Kirpal Singh has already been recorded and that since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Sukhraj Singh** is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Moga, as the case may be.

**(LALIT BATRA)**  
**JUDGE**

**26.07.2021**

*jitender*

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No