

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-2919-2022
Decided on : 09.02.2022

Gurdit Singh @ Mani

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL
(Through Video Conferencing)

PRESENT: Mr. Deepak Gupta, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR bearing No. 70 dated 02.08.2021 under Sections 307 and 34 of IPC and Section 25 of Arms Act, 1959 (Sections 120-B, 212 and 216 of IPC, 1860 added later on) registered at Police Station Bajakhana, District Faridkot.

Learned counsel for the petitioners has submitted that in the present case, the petitioner has not been named in the present FIR, which had been registered on 02.08.2021. It is further submitted that the petitioner has been nominated as an accused on 15.08.2021, on the basis of disclosure statement of the accused Jaspreet Singh, as per whom also there is no allegation to the effect that the petitioner had inflicted any injury upon the complainant or any other person and the only allegation against the petitioner is that he had made the accused Jaspreet Singh and Ajay

Kumar stay in his house on the night before they had left for Chandigarh. It is submitted that the petitioner has been in custody since 15.08.2021 and the challan in the present case has already been presented and there are 24 witnesses, none of whom have been examined yet. It is submitted that the petitioner is not involved in any other case.

Learned State counsel has opposed the present application for regular bail and has submitted that the co-accused of the petitioner had given a fire shot injury in the abdomen of the complainant. The petitioner had given shelter to the said accused and thus, had participated in the commission of the offence. The other facts as have been stated by learned for the petitioner have not been disputed by learned State counsel.

This Court has heard learned counsel for the parties and has perused the paperbook.

It is not in dispute that the petitioner has not been named in the FIR. It is also not in dispute that the petitioner had not inflicted any injury upon the complainant or any other person and the petitioner has been nominated as an accused after 13 days of the registration of the FIR, solely on the basis of disclosure statement made by the co-accused Jaspreet Singh as per which also, the petitioner has not caused any injury to the complainant but has only given shelter to the main accused. The petitioner is stated to be not involved in any other case and has been in custody since 15.08.2021 and the challan in the present case has already been filed and there are as many as 24 witnesses out of whom, none have been examined and thus, the trial is likely to take time, moreso in view of the present COVID-19 pandemic situation.

Keeping in view the facts and circumstances, the present petition is allowed and petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to his not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

It is made clear, in case, the petitioner threatens or influences any witness, it would be open to the State to move an application for cancellation of the present regular bail granted to the petitioner.

(VIKAS BAHL)
JUDGE

February 9th, 2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No