

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-3436-2022

DATE OF DECISION: MARCH 25, 2022

JAGROOP SINGH @ GURJIT SINGH ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. C.M. MUNJAL, ADVOCATE FOR THE PETITIONER.
MR. A.S. GILL, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.0027 dated 12.3.2021, under Section 307, 336, 452, 148, 149 IPC and Section 25, 27, 54, 59 Arms Act, Police Station Ghall Khurd, District Ferozepur, who is in custody since his arrest on 14.7.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Ferozepur, in the order dated 1.12.2021, are as under:-

“Learned Additional Public Prosecutor for the State submits that the present FIR has been registered against the accused persons on the basis of statement of complainant Bakshish Kaur. Further submits that as per complainant, on 12.03.2021 at about 4.30 PM, when she was present at her home along with her daughter, immediately the door of the house of the complainant was opened and when she saw from the installed camera, then one car in which Jagroop Singh loaded with rifle and his father Nishan Singh loaded with Kirpan along with 3 unknown persons were seeing coming out of the

car. Further submits that one of the unknown person was also loaded with pistol. Further submits that all of these accused persons forcefully entered the house of the complainant and accused Nishan Singh raised lalkara and called Gurbhej Singh to come outside the house, in the meantime, accused Jagroop Singh fired from his riffle toward complainant with intention to kill the complainant but however complainant got managed to aspect unhurt by hiding herself behind the pillar. Further submits that then Nishan Singh gave the kirpan blow on the window panes of the house and all the accused persons also damaged the articles of the house. Further submits that the other unknown accused gave fired three shots in the air from the pistol and in the meantime, complainant's son Gurbhej Singh was seen to be standing at the small gate of the house, who on seeing the accused persons ran away on his motor cycle and all the accused persons chased Gurbhej Singh in their car and has also fired with their weapons but he got escape unhurt.”

Learned counsel for the petitioner has argued that in the alleged occurrence, no one was injured and though the offence punishable under Section 307 IPC is incorporated in the alleged FIR, but commission of such offence would be debatable. According to him, the investigation of the case is over, but the trial is yet to commence, therefore, the petitioner be released on bail.

On the other hand, learned State counsel assisted by ASI Harpal Singh has opposed the aforesaid prayer and submits that the petitioner is involved in 10 more cases, however, except one case, the other cases do not relate to the offences against human body. He, on instructions states that the

investigation of the case is complete, but the charges are yet to be framed. It is also not disputed by him that in the alleged occurrence, no one suffered injuries.

Considering the above background, the custody of the petitioner, and the fact that though the investigation of the case is complete, but the trial is yet to commence, therefore, further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

March 25, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No