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

CRM-M-6319-2022  
Date of decision : 21.02.2022

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Jatinder Pal Singh, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

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**VIKAS BAHL, J. (ORAL)**

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.70 dated 02.08.2021 registered under Sections 307 and 34 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 (Sections 120-B, 212 and 216 of IPC, 1860 have been added later on) at Police Station Bajakhana, District Faridkot

Learned counsel for the petitioner 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 implicated in the case on the basis of statement of Gurdeep Singh, who is uncle of the complainant, which was recorded on 07.08.2021 i.e. after a period of five days from the date of registration of the FIR and as per the said statement also, it has been alleged that two main accused who had caused

injuries to the complainant were seen coming out from the house of the present petitioner on 02.08.2021 in the morning at around 8 or 8-1/2 o' clock. It is argued that the petitioner has no enmity with the complainant or his family. It is also argued that the petitioner is in custody since 08.08.2021 and challan in the present case has already been presented and there are 24 witnesses, out of which, none have been examined as yet. It is contended that the petitioner is not involved in any other case. He has further contended that the co-accused of the petitioner namely Gurdit Singh @ Mani has also been granted the concession of regular bail by this Court vide order dated 09.02.2022 passed in CRM-M-2919-2022.

Learned State Counsel has submitted that he is fully prepared to argue the matter and assist this Court. He has opposed the present petition for grant of regular bail to the petitioner 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 paper book.

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 a period of 5 days from the date of registration of the FIR, solely on the basis of statement of one Gurdeep Singh, who is uncle of the complainant, as per which, the petitioner has not been alleged to have caused any injury to the complainant but it has been stated that the accused persons

who had caused injuries were coming out of the house of the petitioner on 02.08.2021 in the morning at around 8 or 8-1/2 o' clock. The petitioner is stated to be not involved in any other case and he is in custody since 08.08.2021 and the challan in the present case has already been presented and there are as many as 24 witnesses out of whom, none have been examined and thus, the conclusion of the trial is likely to take time, moreso in view of the present COVID-19 pandemic situation. The co-accused of the petitioner namely Gurdit Singh @ Mani, against whom the same allegations were levelled of having given shelter after the incident, has also been granted the concession of regular bail by this Court vide order dated 09.02.2022 passed in CRM-M-2919-2022.

Keeping in view the facts and circumstances, the present petition is allowed and the 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, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

**21.02.2022***Pawan***(VIKAS BAHL)  
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**