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

CRM-M-23552-2022

Date of Decision: 02.06.2022

Gurwinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Parvinder Singh, Advocate,
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.110 dated 14.09.2021, under Sections 307, 379-B, 458, 336, 323, 447, 448, 511, 506, 427, 148 & 149 of the IPC and Sections 25 & 27 of the Arms Act, 1959, registered at Police Station Sadar Raikot, District Ludhiana Rural.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 18.09.2021 and after lodging of the FIR, the investigation of the case has been completed and thereafter, challan under Section 173 of the Cr.P.C. has been presented before the competent Court on 15.12.2021 and thereafter, despite the fact that 5 months have elapsed, no prosecution witness has been examined. He also submitted that it is a case where there was a dispute of marriage palace between one

Inderjit Singh and Harcharan Singh and the allegations in the FIR were that the aforesaid Inderjit Singh along with other persons including the petitioner had come to the marriage palace and had attacked the complainant party and a fight took place. He further submitted that firstly, even as per the FIR itself, the role attributable to the petitioner, who is Gurwinder Singh @ Ruby son of Ranjit Singh is that he had caught hold the injured and had thrown him on the floor and there is no more attribution towards the petitioner and secondly, in fact it was a case where the petitioner had received multiple injuries including fire-arm injury and regarding which, he placed reliance upon MLR at Annexure P-3. He further submitted that the other co-accused, namely, Inderjit Singh and his son Gurwinder Singh against whom the role attributable was that he had given injuries to the complainant party have been granted interim anticipatory bail by this Court vide Annexures P-8 & P-9. He also submitted that the no recovery is to be effected from the petitioner and considering the custody and the role attributed to the petitioner in the FIR, he may be considered for the grant of regular bail.

On the other hand, Mr. R.S. Thind, learned Deputy Advocate General, Punjab has submitted that it is correct that the petitioner is in custody since 18.09.2021 and challan has been presented after the completion of the investigation and no recovery is to be effected from the petitioner. He has however stated that the petitioner along with other co-accused had collectively attacked the complainant party and prosecution witnesses are yet to be examined and therefore, the petitioner does not deserve the concession of regular bail. He further submitted that there is

another FIR pending against the petitioner.

I have heard the learned counsel for the parties.

The petitioner is in custody since 18.09.2021 and as per the learned counsel for the parties, investigation of the case has been completed and challan has also been presented and now no recovery is to be effected from the petitioner. As per the FIR, the role attributable to the petitioner was that he had thrown the injured on the floor but apart from the same, no other role is attributed to him. The main accused appear to be Inderjit Singh and his son, who have been granted interim anticipatory bail by this Court. The pendency of another FIR against the petitioner cannot become a bar for considering the present petition for bail. Furthermore, it is not the case of the State that in case the petitioner is released on regular bail then he may abscond or flee from justice or may influence the witness, therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

02.06.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |