

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-24711-2022
Date of decision : 29.06.2022

Naresh Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Deepak Arora, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.0027 dated 23.04.2022 registered under Sections 307, 34 IPC and Sections 25 & 27 of the Arms Act, at Police Station Bhaini Mian Khan, Gurdaspur, District Gurdaspur.

Learned counsel for the petitioner has submitted that the petitioner who is 65 years old, has been in custody since 23.04.2022 and investigation in the present case is complete and there are 11 prosecution witnesses and none of them have been examined and thus, the trial is likely to take time. It is further submitted that the present case is a case of no injury and the only allegation levelled against the present petitioner is that he was holding a *datar* and came forward to cause injury to the complainant but no injury was caused to the complainant. It is also submitted that the son of the petitioner Pardeep Kumar has got FIR no.28 dated 23.04.2022

registered against the complainant party as the complainant party had burnt the scooty of the petitioner.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the son of the petitioner had fired although, no injury was caused to any person and the said fire arm has been recovered from the son of the petitioner and *datar* has been recovered from the present petitioner.

Learned counsel for the petitioner, in rebuttal, has submitted that even the son of the petitioner Pardeep Kumar has been granted regular bail by the Additional Sessions Judge, Gurdaspur vide order dated 09.06.2022.

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

The petitioner has been in custody since 23.04.2022 and the challan has already been presented and there are 11 prosecution witnesses, and none of them have been examined and thus, the trial is likely to take time. The present case is a case of no injury. The son of the petitioner, who is stated to have fired shots from his gun, has already been granted regular bail by the Additional Sessions Judge, Gurdaspur, vide order dated 09.06.2022. The son of the petitioner had even got registered FIR no.28 dated 23.04.2022 against the complainant party for having burnt the scooty of the petitioner.

Keeping in view the above said 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 him not being required in any

other case.

Nothing stated above shall be construed as a final 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 petition.

(VIKAS BAHL)
JUDGE

June 29, 2022
Davinder Kumar

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