

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

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CRM M-31284 of 2022 (O&M)

Date of Decision: July 26, 2022

Punit Jyoti

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. Deepak Sabherwal, Advocate with
Mr. Pankaj Kundra, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This 3rd petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No. 93 dated 25.07.2021 under Sections 307, 427 of Indian Penal code, 1860 and Section 27-54-59 of Arms Act, 1959 (Section 323 of IPC and Sections 25-54-59 of Arms Act added later on), registered at Police Station Division No. 3, District Jalandhar.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 25.07.2021 and out of 17 witnesses, 04 witnesses have been examined and the trial is likely to take a long time and the petitioner is not involved in any other case. It is further submitted that the FIR in the present case has been registered on the statement of Pargat Singh who was an eye witness to the alleged incident in which Manpreet Singh got injured on account of the fire shot at the left lumbar region of his back. It is stated that the said Pargat Singh has been examined as PW2 and he has specifically

stated in his examination-in-chief that the present petitioner was not the person who had committed the alleged offence and was, accordingly, declared hostile. It is also submitted that the injured has been discharged from the hospital after a period of 12 days. It is further submitted PW3 Manpreet Singh, in his cross-examination, has admitted that he had thrashed the window panes of the vehicle of the present petitioner. It is further submitted that in fact, in the present case a scuffle had taken place at the time when the matter between the parties was sought to be compromised and the fire had been shot accidentally in the said scuffle. It is further submitted that last bail application of the petitioner was withdrawn on 21.04.2022 and even thereafter the petitioner has further undergone custody of a period of more than 03 months and the total custody undergone by the present petitioner is of more than one year.

Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted that it was the gun shot injury inflicted by the petitioner, which had been suffered by the injured Manpreet Singh on the left lumbar region of the back, which has been declared to be dangerous to life. It is further submitted that the pistol used in the incident was a licensed pistol belonging to the petitioner.

This Court has learned counsel for the parties and perused the material on record.

The petitioner is in custody since 25.07.2021 and there are 17, witnesses out of which only 04 have been examined and, thus, the trial is likely to take a long time. The petitioner is stated to be not involved in any other case. The FIR in the present case had been got registered on the statement of Pargat Singh who was stated to be an eye witness and the said eye witness had been examined as PW2, who in his statement had specifically stated that the present petitioner is not the person who had committed the crime in question and, thus, he was declared hostile. The injured Manpreet Singh is stated to have been discharged from the hospital after a period of 12 days. The question as to whether there was an accidental fire shot or the petitioner had consciously fired the shot at the injured is a moot point which would be finally adjudicated during the course of the trial.

The second bail petition of the petitioner was withdrawn on 21.04.2022 and, thereafter, a period of more than 03 months has elapsed and the total custody undergone by the petitioner is of more than 1 year, thus, entitling the petitioner to file the present regular bail petition.

Keeping in view the above-said facts and circumstances, moreso, the custody period of the petitioner, the present petition is allowed. 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, 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 application.

July 26, 2022
amit rana

(VIKAS BAHL)
JUDGE

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