

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-36136-2022 (O&M)

Date of Decision:-22.11.2022

Aprail Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harjinder Singh, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Hans Raj.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.27, dated 3.3.2022, Police Station Lohian, District Jalandhar, under Sections 160, 307, 148, 149, 120-B of Indian Penal Code and Sections 25 and 27 of Arms Act.
2. The FIR was registered pursuant to receipt of an information by the police to the effect that Sunil Masih @ Jeeona, Navi @ Beeji, Manjinder Singh @ Ravi, Satta Cheema, Balraj Singh, Heera, Kamaljit Singh @ Gaggu, Deepu, Sukha accompanied by 10-15 unidentified persons, who were all armed with deadly weapons, had proceeded to Village Kutbiwal in 5-6 vehicles and had resorted to indiscriminate firing and had thus created terror in the village.

The information was further to the effect that on account of said

indiscriminate firing, Gurpreet Singh had sustained two firearm injuries and was seriously injured.

3. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and has been nominated on the basis of some call-details in respect of co-accused Sunil Masih @ Jeeona and also on the basis of tower location, whereas such like evidence can only be helpful to the prosecution to corroborate some substantive evidence and the call detail record in itself cannot be treated to be substantive evidence. Learned counsel has further submitted that though the prosecution also claims that the petitioner had suffered a disclosure statement indicating his involvement, wherein he is alleged to have admitted that he was carrying a '*datar*', but as per the FIR it is a case where allegations pertain to indiscriminate firing.
4. Opposing the petition, the learned State counsel has submitted that since as many as 14 injuries were found on the person of Gurpreet Singh including two firearm injuries, it is evident that a large number of accused had caused injuries. It is further then submitted that since the call-details record clearly shows that the petitioner was present at the spot and was also in touch with the co-accused, his complicity is clearly evident. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 8 months and that trial is yet to commence whereas 33 PWs have been cited. Learned State counsel has further informed that the petitioner happens to be involved in three other cases including a case under NDPS Act, apart from two cases under Arms Act and under Section 392 IPC.
5. This Court has considered the rival submissions.

6. It is a case where the petitioner is not specifically named in the FIR and has been nominated on the basis of call-details record. The petitioner otherwise has been behind bars for a substantial period of 8 months. Conclusion of trial is likely to consume time inasmuch as the trial has not even commenced and as many as 33 PWs have been cited. In these circumstances, further detention of the petitioner will not serve any useful purpose.
7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.11.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No