

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

CRM-M-37230-2022 (O&M)

Date of Decision: 13.12.2022

Balbir Masih

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Pushp Jain, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab and
Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Kashmir Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.27 dated 03.03.2022 registered at Police Station Lohian, District Jalandhar Rural, under Sections 160, 307, 148, 149, 120-B IPC and Sections 25, 27 of Arms Act (Sections 29-B, 54, 54-A of Arms Act added later on).
2. The FIR in question was lodged pursuant to receipt of secret information by the police to the effect that Sunil Masih @ Jeeona, Navi @ Beeji, Rakesh Kumar @ Raja, Manjinder Singh @ Ravi, Satta Cheema, Heera, Kamaljit Singh @ Gaggu, Deepu and Sukha accompanied by 10/15 unidentified persons, who were all carrying lethal and illegal weapons and had come in 5/6 vehicles, were firing blindly in Village Kutbiwal and had endangered the lives and liberty of the villagers by firing

indiscriminately. The information was further to the effect that on account of such firing Gurpreet Singh had been seriously injured and huge loss had been caused in the neighbourhood.

3. Learned counsel for the petitioner submits that he is nowhere named in the FIR and has been falsely nominated as an accused subsequently solely on account of the fact that he happens to be father of Sunil Masih, who is named in the FIR. It has further been submitted that even if the alleged disclosure statement of co-accused Ravi is taken to be correct, the only role attributed to him is that he had raised a *lalkara* exhorting his companions to resort to indiscriminate firing and that there is no allegation to the effect that the petitioner himself was also carrying any weapon or had fired. Learned counsel has further submitted that the police subsequently also recorded disclosure statements of two other co-accused, namely, Pardeep and Sandeep and who also have stated to an identical effect and in fact it is alleged that the petitioner had called the co-accused at his home where he had incited them to resort to indiscriminate firing.
4. Opposing the petition, learned State counsel has submitted that since it was at the instance of the petitioner that co-accused resorted to indiscriminate firing leading to several injuries on the person of Gurpreet Singh, no case for grant of bail is made out. Learned State counsel has however, informed that the petitioner as on date has been behind bars for the last more than 6 months. It has also been informed that the petitioner happens to be involved in one more case for offences under Sections 186,

353, 323 of IPC. It has also been informed that challan stands presented, but charges are yet to be framed and as many as 33 PWs have been cited.

5. This Court has considered the rival submissions.
6. The petitioner admittedly is not named in the FIR and has been nominated on the basis of disclosure statements of co-accused. Even as per the said disclosure statements, the petitioner was never ever present at the spot and is alleged to have incited the co-accused by calling them to his home and had told them to resort to indiscriminate firing. The petitioner otherwise has been behind bars since the last more than 6 months. Conclusion of trial is likely to consume time inasmuch as trial has not even commenced till date and as many as 33 PWs have been cited. In these circumstances, further detention of the petitioner will not serve any useful purpose. 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.

13.12.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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