

CRM-M-48554-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48554-2022

Date of decision: 19.12.2022

Sarbjit Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Anurag Chopra, Advocate,
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.80 dated 02.06.2022, registered under Sections 302, 325 and 34 IPC and sections 25 and 27 of the Arms Act, at Police Station Sarhali.

Status report dated 19.12.2022, by way of affidavit of the Deputy Superintendent of Police, Sub Division Patti, District Tarn Taran, has been filed in the Court today. The same is taken on record.

Learned counsel for the petitioner submits that though the allegation against the petitioner is that though he was holding a *datar*, yet no injury has been attributed to him; that the gun-shot injury has allegedly been attributed to co-accused Sukhwant Singh, and that as per the opinion of Board of Doctors, the cause of death was multiple gun shot injuries.

Learned counsel further contends that it is a case of version and cross-

CRM-M-48554-2022

version; that co-accused, namely, Harpreet Singh had also received injuries in the occurrence, and that on the statement of Harpreet Singh, DDR No.19 dated 04.06.2022, under Sections 307, 148, 149 and 120-B IPC and Sections 25 and 27 of the Arms Act, was registered against the complainant party.

Learned counsel for the petitioner further contends that challan has been presented; that the petitioner has been in custody since 19.07.2022, and that there is no other case registered or pending against the petitioner.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had actively participated in the crime; that though Shamsheer Singh (since deceased) had not received any injury with *datar*, yet the fact remains that the petitioner was holding a sharp-edged weapon and he alongwith co-accused, namely, Sukhwant Singh and Harpreet Singh had committed the murder in furtherance of their common intention.

I have heard the learned counsel for the parties.

The petitioner was allegedly armed with a *datar*, but as per the opinion of Board of Doctors, the cause of death was multiple gun shot injuries. No specific injury caused with *datar* was found on the person of the deceased. Moreover, on the statement of co-accused, namely, Harpreet Singh, a cross-case has also been registered against the complainant party.

Challan has already been presented. The petitioner has been in custody since 19.7.2022. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. There is no other

CRM-M-48554-2022

case registered or pending against the petitioner. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

19.12.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No