

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

CRM-M-48474-2022 (O&M)

Date of Decision:-22.11.2022

Suraj @ Bhurji

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Satnam Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.144, dated 21.6.2021, Police Station Rama Mandi, District Police Commissionerate Jalandhar, under Section 304-A of Indian Penal Code, wherein offence under Section 304 IPC was added later on and Section 25 of Arms Act.
2. The allegations, in nutshell, are that on 21.6.2021, the police received information to the effect that Harbir Singh @ Happy Sandhu, Varun, Mukul, Inderjit Singh accompanied by 2-3 unknown persons were having firearms and were present in the house of Inderjit Singh and were playing with the said weapons, during the course of which, a shot was fired hitting Happy.
3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of a disclosure statement made by

co-accused Davinder Singh and Mohit. It has further been submitted that even if all the allegations as levelled in the FIR are taken on the correct, it is clearly evident that the deceased was a friend of the remaining persons with whom he was sitting and it is apparently a case of an accidental firing.

4. Opposing the petition, learned State counsel has submitted that since it is a case where the petitioner and others were possessing unlicensed arms and were dangerously handling the same, the petitioner cannot escape from his liability as regards offence under Section 304 IPC. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 1 year and 2 months and otherwise is not involved in any other case.
5. This Court has considered the rival submissions.
6. Without commenting anything as regards merits of the case but while noticing that the petitioner has been behind bars for a substantial period of 1 year and 2 months, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume time. 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