

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

CRM-M-52757-2022

Date of decision : 20.12.2022

Gurjant Singh @ Judge

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Satwant Mehta, Advocate
for the petitioner.

Mr. Jaiteshwar S. Bhandari, Asstt. Advocate General, Punjab.

PANKAJ JAIN, J. (ORAL)

This is a petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case DDR No.25 dated 06.06.2022 registered for the offences punishable under Sections 304, 201, 182, 120-B IPC, 1860 read with Sections 25, 27 of the Arms Act, 1959 in FIR No.054 dated 17.05.2022, registered under Sections 302, 452, 34 IPC, 1860 read with Sections 25, 27 of the Arms Act, 1959 at Police Station Chohla Sahib, District Tarn Taran.

2. Ld. Counsel for the petitioner submits that from the bare perusal of the allegations levelled in the present case it would be highly debatable as to whether offence alleged against the present petitioner would fall within the ambit of Section 304 Part II of the IPC as the allegation levelled is that the petitioner fired a shot from 12 bore gun which

accidentally hit the deceased. She further contends that at this stage there is nothing on record which could link the said bullet to the gun of the petitioner as the ballistic report has not seen light of the day.

3. For the last three dates the matter is being repeatedly adjourned on the request made by State Counsel to produce the ballistic report. Even today another accommodation is being prayed for to produce the same. Petitioner is in custody since 9th of June, 2022. State Counsel is not in position to dispute the fact that the investigation already stands concluded and the report under Section 173 Cr.P.C. stands filed.

4. Keeping in view the aforesaid facts and the custody already undergone by the petitioner, without commenting on the merits of the case, present petition is allowed. The petitioner is ordered to be released on bail subject his furnishing bail bonds/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

5. Needless to say that anything observed herein shall not be construed to be an expression of opinion on the merits of the case.

December 20, 2022
Dpr

(PANKAJ JAIN)
JUDGE

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