

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

(212)

CRM-M-7809-2023
DATE OF DECISION:-16.05.2023

Gurinder Singh @ Ginda

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr.Vipin Mahajan, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail pending trial in case FIR No.15 dated 07.02.2019 under Sections 307, 332, 353, 186, 342, 465, 467, 468, 471, 473, 412, 120-B IPC and Section 25 of the Arms Act, registered at Police Station Dhakoli, SAS Nagar, Mohali, Punjab.

(2) As per allegations levelled against the petitioner, he was found hiding in the bathroom at the place of incident which took place on 07.02.2019 in a police shootout where his co-accused namely Ankit Bhadu was shot down.

(3) Learned counsel for the petitioner submits that petitioner has already suffered incarceration for a period of 4 years and 3 months and the trial has only gone half way so far and the same is likely to take sometime. Learned counsel further refers to the medical condition of the petitioner wherein, he points out that petitioner is blind from one eye besides being hard of hearing. In addition, he also points out that admittedly the petitioner did not fire any shot in the entire incident and even the alleged recovery of 1

pistol was made after 10 days on the basis of disclosure made by him and that too, during investigation, was found having not been used in the incident.

(4) On the other hand, learned State counsel points out the antecedents of the petitioner who is allegedly involved in 2 other cases of similar nature and opposes the prayer made in the present petition.

(5) I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

(6) In the present case, petitioner has already suffered incarceration for a period of more than 4 years, 3 months and the investigation shows that petitioner never used any fire arm in the entire incident and the alleged recovery of pistol was made on the basis of his disclosure even after 10 days of the incident and that too, as per FSL report, was never used at the time of incident. In the present case, out of total 71 witnesses as cited by the prosecution, only 30 have been examined and 18 have been given up by the investigating agency & thus, the trial may take some time. Considering the fact that the petitioner has already suffered long incarceration and especially keeping in view his medical condition, I do not deem it appropriate to extend his incarceration any further. As regards the other cases pending against the petitioner, in one of the case arising out of FIR No. 15 dated 01.01.2014, petitioner has already been acquitted whereas in another i.e. FIR No.120 dated 18.08.2014, the trial is pending.

(7) In view of the aforementioned discussion, without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his

furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

(8) However, nothing expressed hereinabove shall be construed as an expression of opinion on the merits of the case.

16.05.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No