

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8836-2023

Date of Decision: May 24, 2023

GURWINDER SINGH ALIAS GAGAN

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. R.S. Sekhon, Advocate for the petitioner.
Mr. Amit Shukla, AAG, Punjab.
Mr. Saurav Bhatia, Advocate for the victim.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No.144 dated 15.11.2020 registered under Sections 307, 325, 323, 506, 148 and 149 IPC and Sections 25, 27, 54 and 59 of Arms Act, 1959 at P.S. Zira, Ferozepur, Punjab.
2. As per the allegations in the FIR, the petitioner fired shots at victim-Sukhneet Singh on the day of diwali i.e. on 14.11.2020 and resultantly the victim remained hospitalized for a period of almost three weeks.
3. Learned counsel for the petitioner submits that the petitioner has already suffered incarceration for a period of more than 7 months and investigation in the present case already stands concluded. He further submits that petitioner is willing to compensate the victim to the tune of Rs.2,00,000/-
4. On the other hand, prayer made herein has been vehemently opposed by learned State counsel assisted by learned counsel for victim while submitting that the victim received fire-arm

injuries, one below the chest and the other one at the back side of left shoulder.

5. I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

6. Considering the fact that the petitioner has already suffered incarceration for a period of more than 7 months and investigation already stands concluded, though 7 out of 30 witnesses as cited by the prosecution have been examined and thus the trial likely to take some time, besides it, the other co-accused has already been granted concession of bail, in addition, the petitioner has volunteered to compensate the victim as well to the extent of Rs.2,00,000/- at this stage, I do not deem it appropriate to extend the incarceration of the petitioner. However, the aforesaid amount shall be deposited by petitioner at the time of his release before the trial Court in the shape of demand draft in the name of victim-Sukhneet Singh and the same shall be released in his favour on due verification.

7. In view of the discussions made herein-above, without commenting upon merits of the present petition, the same is allowed. Petitioner is ordered to be released on bail subject to his furnishing of adequate bail bonds/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

24.05.2023
tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

