

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21339-2023

Date of Decision: 29.5.2023

Yadwinder Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

**CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. GPS Ghuman, Advocate  
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

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**KARAMJIT SINGH, J.**

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.131 dated 26.10.2022 registered for the offences punishable under Sections 307, 323, 341, 427, 506, 148, 149 IPC (Section 201 IPC added later on) and Sections 25, 27 of Arms Act at Police Station Dirba, District Sangrur.

2. The allegations in nutshell are that when the car in which complainant-Resham Singh was travelling was stopped near the house of Pargat Singh, co-accused Harjit Singh son of Rajinder Singh raised *lalkara* and then the car was encircled by all the accused persons and aforesaid Harjit Singh son of Rajinder Singh gave *gandasa* blow which hit on the left side of the head of the complainant. In the meantime, Harjit Singh son of Joginder Singh gave iron rod blow which hit on the right shoulder of the complainant and the accused persons also damaged the car and in the

meantime, co-accused Pappi gave *dang* blow on right side of the head of the complainant and then petitioner-Gagandeep Singh fired two shots from his revolver which passed over the head of the complainant and then the petitioner fired another two shots in air and when the complainant and his associates raised alarm, the accused persons ran away from there. During investigation, it was found that the present petitioner supplied firearm to Pappi alias Varinder Singh and to this effect, disclosure statement of aforesaid Pappi alias Varinder Singh was recorded by the police.

3. Counsel for the petitioner *inter alia* contends that the petitioner was not named in the FIR and has been falsely implicated in the present case on the basis of the alleged disclosure statement made by Pappi alias Varinder Singh and the same is subject matter of trial. He further submits that the petitioner is in custody since 25.2.2023 and during investigation, no incriminating article is stated to be recovered at the instance of the petitioner. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is contested by the State counsel who submits that as per disclosure statement made by co-accused Pappi @ Varinder Singh, one firearm was supplied to him by the present petitioner. State counsel further submits that the petitioner was arrested in this case on 25.2.2023. However, the State counsel has not disputed the fact that during investigation, no firearm was recovered at the instance of the petitioner. State counsel also filed status report by way of affidavit of Prithvi Singh, DSP, Sub Division, Dirba which is taken on record.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, the petitioner was not named in the FIR and named as accused on the basis of the disclosure statement made by co-accused Puppi @ Varinder Singh which will be tested during trial. During investigation, the petitioner was arrested on 25.2.2023 but no weapon or incriminating article was recovered from his possession. The police has presented the challan after completion of investigation but the trial is at its initial stage and it will take considerable time for the trial to conclude. In the given circumstances, no useful purpose is going to be served by detaining the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

( KARAMJIT SINGH )  
JUDGE

May 29, 2023  
Paritosh Kumar

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |