

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-21717-2023

Date of Decision: 29.5.2023

Gagandeep Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. P.S.Ahluwalia, Advocate
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

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, the petitioner was arrested on 25.1.2023 and one licenced firearm belonging to co-accused Harjit Singh son of Rajinder Singh was recovered at the instance of the petitioner.

3. Counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and no injury is attributed to the petitioner and is in custody since 25.1.2023 and the police has presented the challan. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is contested by the State counsel who submits that the petitioner and other accused persons constituted an unlawful assembly and caused injuries to the complainant. However, the State counsel on instructions from ASI Ravail Singh has not disputed the fact that no injury is attributed to the petitioner who is stated to have fired two shots in the air and two other shots which did not hit any one. State counsel further submits that the petitioner was arrested in this case on 25.1.2023 and during investigation, one licensed firearm belonging to co-accused Harjit Singh son of Rajinder Singh was recovered from possession of the petitioner. However, the State counsel has not disputed the fact that the trial is at its initial stage.

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

6. In view of the fact that no injury is attributed to the petitioner and further, after completion of investigation, the police has presented the challan and recovery of weapon used in the commission of crime is already effected and it will take considerable time for the trial to conclude, no fruitful 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

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