

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

227

CRM-M-24437-2023 (O&M)
Date of decision: 12.09.2023

Gurjeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. G.S. Ghuman, Advocate and
Mr. P.S. Mann, Advocate for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

1. The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 158 dated 29.07.2021 registered under Sections 323, 427, 458, 506, 148, 149 IPC and Section 25 of the Arms Act, Section 201 IPC was added later on, at Police Station Dirba, District Sangrur.
2. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the alleged two injuries i.e. one kick blow on the stomach of the mother of the complainant and another on the head of Baljinder Dass-brother of the complainant with the reverse side of the pistol, have been attributed to the petitioner; that there is a delay of 02

days in registration of the FIR and there is no fire arm injury; that the petitioner has been in custody since 24.01.2023; that the challan has been presented and charges are yet to be framed; that co-accused Jagseer Singh @ Jaggi, has been granted the concession of regular bail vide order dated 24.02.2022 by a Coordinate Bench and that as far as other cases against the petitioner are concerned, there is no conviction and he has not been declared a proclaimed offender in any case, the petitioner is on bail in all the cases. In support of his contentions, learned counsel for the petitioner relies upon Prabhakar Tewari Vs. State of U.P. and Anr., 2020(1) RCR (Criminal) 831.

3. Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner is a habitual offender and has inflicted two injuries i.e. one kick blow on the stomach of the mother of the complainant and another on the head of the brother of the complainant with the reverse side of the pistol. However, he does not dispute the custody period of the petitioner. He submits that the charges are yet to be framed.
4. I have heard the learned counsel for the parties.
5. The petitioner has been in custody since 24.01.2023. As per the learned counsel for the petitioner, in all other cases against him, the petitioner is on bail and has not been declared a proclaimed offender in any case. Co-accused Jagseer Singh @ Jaggi, is already on regular bail. Charges are yet to be framed. Therefore, the conclusion of the trial would take time. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

6. In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

12.09.2023
Mangal Singh

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