

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-26481-2023 (O&M)
Date of decision: 01.08.2023

GURMAIL SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Harpal Singh Sidhu, Advocate for the petitioner.

Mr. Hakam Singh, AAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 30 dated 03.05.2022 registered under Sections 307, 435, 427, 148, 149 IPC and Sections 25, 27 of the Arms Act, at Police Station Kabirpur (Ahali Kalan), District Kapurthala.

Status report by way of affidavit dated 01.08.2023 of the Deputy Superintendent of Police, Sub-Division Sultanpur Lodhi, District Kapurthala, submitted by the learned State counsel in the Court, is taken on record.

Learned counsel for the petitioner submits that it is a case of version and cross-version; that gun-shot injury has been received by co-accused Gurmukh Singh on the left bicep; that the petitioner has falsely been implicated in the present case; that the only allegation against the petitioner is that he was the member of unlawful assembly and no injury has been attributed to the petitioner; that five other co-accused have already been granted regular bail and as far as another case registered against the petitioner is concerned, the petitioner is on bail; that nothing is to be recovered from the

petitioner; that out of 23 prosecution witnesses, none has been examined so far and that the petitioner has been in custody since 21.02.2023.

Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner and other co-accused were armed with deadly weapons and attacked on the complainant and triggered many fire shots. The petitioner has actively participated in the occurrence and is a habitual offender. However, he does not dispute the custody period of the petitioner. The material witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 21.02.2023. It is a case of version and cross-version and co-accused Gurmukh Singh has also received fire arm injury on his left bicep. Nothing is to be recovered from the petitioner. The prosecution witnesses are yet to be examined. Therefore, the conclusion of the trial would take a long time. In another case, the petitioner is on bail. Five other co-accused are already on bail. Hence, no useful purpose would be served by keeping the petitioner behind the bars.

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

01.08.2023
Mangal Singh

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