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216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31221-2023
Date of Decision: 18.07.2023

Gurpreet Singh alias Gora

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Param Preet Singh Brar, Advocate, for
Mr. Jasdeep Singh, Advocate,
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab,
for the respondent-State.

RAJBIR SEHRAWAT, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail pending trial in case FIR No.032 dated 16.03.2020 registered under Sections 302, 307, 323, 324, 148 and 149 of the Indian Penal Code, 1860, and Sections 25 and 27 of the Arms Act, 1959, (Charges framed under Sections 302, 307, 148, 149, 323, 324, 325 and 201 of the IPC and Sections 25 and 30 of the Arms Act), at Police Station Jaito, District Faridkot.

2. It is submitted by the learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in the alleged crime as against him in the present case. Even as per the story of the prosecution, the petitioner is not attributed any act qua the deceased and a injury attributed to him is only with a *kaapa* (wooden handle

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of spade) on the person of the complainant. The petitioner is in custody since 25.03.2020 and there is no other case against the petitioner. The prosecution has not been able to examine the witnesses so far except three witnesses. Even the said three witnesses have testified before the Court below that the petitioner is not the person, who involved in the case. Hence, the petitioner deserves for grant of concession of bail pending trial.

3. On the other hand, learned counsel for the respondent-State, being instructed by ASI Gurdeep Singh, has submitted that the petitioner was present at the scene of occurrence and he was armed with a *kaapa* (wooden handle of spade) and caused injuries upon the complainant. However, it is not disputed that the petitioner is not attributed any injury to the deceased. It is also not disputed that there is no other case against the petitioner and that the three witnesses examined so far have deposed before the Trial Court that the petitioner is not involved in the present case. It is also not disputed that the petitioner is in custody since 25.03.2020.

4. In view the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(RAJBIR SEHRAWAT)
JUDGE

18.07.2023
adhikari

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No