

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

218

CRM-M-35517-2023 (O&M)

Date of Decision: 28.07.2023

JASPREET SINGH @ JESSI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.131 dated 11.09.2021, registered under Sections 307, 323, 427, 148 and 149 IPC and Sections 25 and 27 of the Arms Act, at Police Station Dayalpura, District Bathinda.

Learned counsel for the petitioner submits that no specific injury has been attributed to the petitioner; that Section 307 IPC has been added only to make the offence non-bailable; that, though, the petitioner is alleged to have fired three shots from the double barrel gun of his father on the person of the complainant, yet the fact remains that there is no injury on the vital parts and that the petitioner has been in custody since 09.05.2023. He further submits that the earlier anticipatory bail petition preferred by the petitioner was dismissed on merits vide order dated 17.05.2022 passed by this Court; that the post presentation of the challan, the charges are yet to be framed and that co-accused has since been granted the concession of bail.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner has fired three shots from the double barrel gun of his father, though the said gun is a licensed one.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 09.05.2023. The injury attributed to the petitioner is not on the vital parts. Co-accused has since been enlarged on bail. The charges are yet to be framed and the prosecution evidence is to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

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

28.07.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No