

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

241

2023:PHHC:151710

CRM-M-47363-2023

Date of decision: November 29th, 2023

Gurjeet Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr. Anmol Rattan Sidhu, Senior Advocate
with Ms. Sandhya Gaur, Advocate
for the petitioner.

Mr. Rahul Mohan, Senior Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.510 dated 08.09.2021 under Sections 148, 149, 302, 307, 323, 324 of the IPC and Section 25 of the Arms Act, 1959 (Section 27 of the Arms Act added later on) registered at Police Station City Kaithal.

2. Learned senior counsel for the petitioner, *inter alia*, contends that the petitioner has been in custody since 08.09.2021 and as on date, only 17 prosecution witnesses out of the 62 cited have been examined, which also include all the material witnesses including the complainant and eyewitnesses. While drawing the attention of this Court to the allegations levelled in the FIR, it has been submitted that the petitioner had been attributed a firearm injury on the foot of deceased-Joga Singh, however, there was no such injury reflected in the post-mortem report and furthermore the fatal injuries on the person of the deceased have not been inflicted by the petitioner. Learned senior

counsel has further submitted that since all the material witnesses stand examined, there could be no possibility of the petitioner trying to tamper with the evidence much less of influencing the prosecution witnesses. Hence, his further would serve no useful purpose, more so since he is not involved in any other criminal case.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has reiterated the allegations levelled in the FIR in question and further submitted that the empties recovered from the place of occurrence were sent to the Forensic Science Laboratory and they were found to have been fired from the .315 bore rifle recovered from the petitioner. He has, however, not been able to dispute that the post-mortem report did not reveal any injury on the foot of the deceased. Learned State counsel has also not been able to dispute that all the material witnesses including the complainant stand examined and 45 prosecution witnesses still remain to be examined.

4. On a pointed query put to the learned State counsel as to whether the petitioner is involved in any other criminal case, he, on instructions, has replied in the negative.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 08.09.2021 and there is no likelihood of the trial concluding in the near future as only 17 prosecution witnesses, which include all the material witnesses stand examined. The petitioner is not stated to be involved in any other criminal case.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 29th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No