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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40721-2023
Date of decision: 24.08.2023

JASPREET SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Aminder Singh, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.70 dated 25.05.2023, under Sections 307, 506, 34 of the IPC (Section 323 of the IPC added later on) and Sections 25, 27, 54 and 59 of the Arms Act, registered at Police Station Moonak, District Sangrur, Punjab.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 31.05.2023, which is almost three months and the investigation of the case has already been completed and challan has also been presented before the competent Court. He further submitted that as per the allegations, the complainant had stated that three persons had come on a motorcycle outside his house and had fired shots. He further submitted that so

far as the present petitioner is concerned, there were no allegations against the petitioner that he was one of the aforesaid three persons but his name surfaced only on the basis of disclosure statement of co-accused, namely, Rajiv, who had stated that the petitioner had conducted *reiki*. He further submitted that it is a case of no injury to anybody and so far as the present petitioner is concerned, he is not involved in any other case and he has no criminal background. He further submitted that considering the aforesaid factual position and also the fact that the investigation of the case has already been completed and challan has also been presented, the petitioner may be considered for grant of regular bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, DAG, Punjab has submitted that it is correct that the petitioner is in custody from 31.05.2023 and the role attributed to the petitioner was that he conducted *reiki* on the basis of which the other co-accused had fired shots upon the complainant. He further submitted that it was a case of no injury caused to anybody. He further submitted, on instructions, that so far as the criminal antecedents of the present petitioner is concerned, he is not involved in any other case and he has no criminal background and the investigation of the case has already been completed and challan has also been presented.

4. I have heard the learned counsels for the parties.

5. It is a case where the petitioner is in custody from 31.05.2023, which is almost three months and the petitioner is stated to be not involved in any other case and having no criminal background. The allegations against the petitioner were pertaining to the fact that he had conducted *reiki* but the petitioner was nominated on the basis of disclosure statement of aforesaid

co-accused, who allegedly had gone to the street where the complainant resides and had fired shots but no injury has been caused to anybody.

6. Therefore, considering the aforesaid totality and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

24.08.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No