

2023:PHHC:122613
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
206
CRM-M-44251-2022
Date of Decision: 19th September, 2023

Dharam Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. SPS Sidhu, Advocate for the petitioner
Ms. Navreet K. Barnala, AAG, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. This fifth petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR mentioned below :-

FIR No.	Date	Police Station	Sections
80	12.6.2021	Kot Isse Khan, District Moga	307/341/148/149 IPC, 1860 and Section 25 and 27 of Arms Act, 1959

2. Earlier three petitions were not decided on merits and the fourth petition was filed for interim bail.

3. Brief facts are that the FIR was registered at the instance of Rashpal Singh. It was stated that Buta Singh along with Gorkha Member on 8.6.2021 while going back home had an altercation with Karam Singh, Dharam Singh (petitioner), Dimpa, Sukha Singh and Mannu in his street. The accused stopped Buta Singh and Gorkha in front of house of petitioner and started abusing. On hearing the noise, the complainant and Gurlal Singh reached at the spot and found Karam Singh, Dimpa and Sukha armed with Dang and Manu was having brick.

The petitioner armed with pistol fired a shot and inflicted injury on bicep of the complainant. The petitioner was arrested on 13.7.2021.

4. Learned counsel for the petitioner submits that for the same incident FIR No. 46 dated 10.7.2021 under Section 25 of Arms Act, 1959 registered at P.S. Ajitwal was lodged, the petitioner was arrested and alleged weapon used in the incident was recovered. The petitioner was produced on production warrant in the present FIR. The contention is that the petitioner is in custody for more than two years, the complainant has been examined and no further recovery is to be made.

5. Learned State counsel opposes the prayer and submits that the petitioner is involved in two more FIRs, however fairly submits that injured/complainant has been examined.

6. Without commenting on the merits of the case and considering the custody period, the fact that material witness has been examined, no further recovery is to be made from the petitioner and conclusion of trial is likely to take time, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. The petition is allowed.

8. Since the main case has been allowed the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

19th September, 2023
anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No