

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.210

CRM-M-46245-2022

Date of decision : 18.04.2023

Gurwinderpal Singh @ Gurinder Singh @ Gullu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr.Sandeep Wadhawan, Advocate, for the petitioner.

Mr.Arun Luthra, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Through the present petition filed under Section 439 Cr.P.C. the petitioner seeks regular bail in FIR No.34 dated 16.05.2022 registered under Sections 307, 506, 201, 34 IPC read with Sections 25 and 27 of the Arms Act, 1959 at Police Station Jhander, District Amritsar Rural.

Briefly stated, the case of the prosecution is that on 16.05.2022, at about 10 p.m., when the complainant was locking the gate of his house the petitioner and co-accused-Sandeep Singh came on their motorcycle. The petitioner, who was the pillion rider, alighted from the motorcycle and fired at the complainant but he did not receive any injury. Thereafter, the petitioner again fired a shot in air and when the complainant rushed inside his house, the petitioner and his co-accused left the spot on their motorcycle but only after hurling abuses.

Learned counsel for the petitioner contends that the petitioner was a panch of village Vachoa and therefore, on account of party faction in the village, has been embroiled in this case; the weapon allegedly used by the petitioner in the crime he is accused of was never recovered by the police showing the falsity in the case; he does not have any other criminal antecedents; he is in custody since 16.05.2022; even if the case of the prosecution is taken as the gospel truth,

though vehemently denied, no injury was caused to the complainant; investigation in this case is complete and therefore the petitioner is in no position to influence the same and that since till date no prosecution witness has been examined, the petitioner’s trial will take a long time to conclude.

Learned State counsel opposes grant of bail to the petitioner on the ground that if released on bail the petitioner may influence his trial as also may flee from justice.

Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

Whether the petitioner has been embroiled in this case on account of party faction shall be debated during the course of the petitioner’s trial. However, the petitioner is in custody since 16.05.2022; he does not have any other criminal antecedents; investigation in this case is complete and therefore the petitioner is in no position to influence the same and that since till date no prosecution witness has been examined in the petitioner’s trial, the same is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Amritsar the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present petition and the same would not be construed to be an expression of opinion on the merits of the case.

18.04.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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