

**211 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-54223-2022

Date of Decision: 24th April, 2023

Gurmail Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sanjeev Manrai, Senior Advocate with
Mr. SS Kamboja, Advocate for the petitioner.

Mr. Iqbal Singh Mann, Deputy Advocate General, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. This fourth petition under Section 439 of the Code of Criminal Procedure is filed seeking regular bail in FIR No.05 dated 3.1.2021 under Sections 307 and 506 IPC, 1860 (Section 326 IPC added later on) and Section 27 of Arms Act, 1959 registered at Police Station Sohana, District Mohali.

2. Earlier two petitions were dismissed as withdrawn and third petition was withdrawn with liberty to approach the Sessions Court.

3. Brief facts are that on 3.1.2021, Gurdeep Singh-complainant along with his father Munshi Singh was going to Gurudwara. On the way, younger brother of the complainant i.e. Gurmail Singh (petitioner) (the name was wrongly mentioned as Gurmeet Singh) came across and started abusing. He was armed with *danda*. The petitioner gave *danda* blows on the arm and back of the complainant. On raising alarm, complainant's wife and daughter came there in the meantime the petitioner brought .12 bore gun from his house and fired two shots injuring wife and daughter of complainant.

4. Learned Senior counsel for the petitioner submits that there is a property dispute between the brothers. The complainant party was the aggressor and gun shots were fired in self-defence. The petitioner was working as a guard in the bank and was possessing a licenced weapon. He further submits that the petitioner is in custody since January, 2021 and material witnesses have been examined. He further argues that petitioner is not involved in any other case.

5. Learned State Counsel opposes the prayer for grant of bail. He on instructions is not disputing that the complainant and both injured persons have been examined and that the petitioner is not involved in any other case.

6. Without commenting on the merits of the case and considering that there is a backdrop to the incident, petitioner has no criminal antecedents, material witnesses have been examined, the petitioner is in custody since January, 2021, no 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.

8. The petition is allowed.

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

10. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE