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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 53634 of 2023
Date of decision:- 20.12.2023

BALWINDER SINGH AND OTHERS

... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate
for the petitioner.
Mr. Subhash Godara, Addl. AG, Punjab.
Mr. Gurcharan Singh Bains, Advocate for the complainants.

SANJIV BERRY, J. (ORAL)

Mr. Gurcharan Singh Bains, filed Vakalatnamas on behalf of respondents No.2 to 4, the same are taken on record.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
107	30.06.2023	307, 427, 379, 148, 149 IPC and 25, 27 of the Arms Act.	Sarhali, District Tarn Taran

3. In *nutshell* the case of prosecution is that FIR was registered at the instance of Gurwinder Singh that on 30.06.2023 at about 8:00 pm his cousin Sukhraj Singh received a call from Prabhjeet Kaur that she was

subjected to cruelty by petitioner No.2, when they reached her house along with one unidentified person then Harjit Singh armed with Barchhi, Harpreet Singh armed with dattar, Gursohan Singh @ Sona armed with 12 bore rifle , Gursharan Singh armed with danda were there. Harjit Singh raised lalkara and Gursohan Singh @ Sona fired gunshot upon the complainant and the pellets hit his face. He ran away to save his life and on raising alarm they were rescued. Complainant was admitted in hospital and on his statement FIR was registered.

4. At the very outset, learned counsel for the petitioner has stated that he does not press the bail application of petitioner No.3- Gursohan Singh @ Sona and as such the same may be dismissed as withdrawn.

5. It is *inter alia* contended by learned counsel for the petitioners that the petitioner No.1 and 2 are innocent and have been falsely implicated in this case and no overt act has been attributed to them. He submits that they are in custody since 30.06.2023 and are having no criminal antecedents. He submits that the petitioners are not required for further investigation and challan has already been presented in Court, as such he prayed for grant of concession of bail to petitioner No.1 and 2.

6. Learned counsel appearing on behalf of the complainants has pleaded that the complainants have no objection if bail is granted to the petitioners No.1 and 2 and in this regard, the complainants injured had already furnished affidavits (Annexure P-3 to P-5).

7. Learned State counsel has submitted that no specific injury has been attributed to petitioner No.1, however lalkara has been attributed to petitioner No.2. He submits that challan has already been presented in Court

and no other case is registered against the petitioners.

8. Considering the above facts and circumstances, it transpires that the petitioners are in custody since 30.06.2023 and as per version of the prosecution only lalkara is attributed to petitioner No.2 while no overt act has been attributed to petitioner No.1. Petitioner No.1 is aged 71 years and petitioner No.2 is aged 72 years having no criminal antecedents. The challan has already been presented in Court and conclusion of trial will take sufficient long time for disposal to ascertain the criminal liability if any, of the petitioners. The complainant- victim has also raised no objection qua these petitioners. In these circumstances, it is observed that no purpose would be served by detaining petitioners any further in custody.

9. Accordingly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner No.1 and 2 behind bars. Therefore, the present petition is allowed qua petitioner No.1 and 2 only and qua petitioner No.3 stands dismissed as withdrawn. The petitioners No.1 and 2 are ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

20.12.2023

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No

Yes/No