

CRM-M-58676-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 24.11.2023

SUKHPREET SINGH ALIAS KALU

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Arshpreet Khadial, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No. 0053 dated 04.06.2023, registered under Sections 307 and 34 of the Indian Penal Code 1860 and Sections 25/27 of the Arms Act, 1959 (Section 27 of the Arms Act, 1959 omitted later on in the challan), at Police Station Phool, District Bathinda.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is concocted. Even as per the story of the prosecution, the petitioner is not named in the FIR as an assailant. Even the allegation qua having actually fired shots upon the injured, is against co-accused, namely, Kulwinder Singh. However, aforesaid Kulwinder Singh has not even been arrested by the police, so far. The petitioner is in custody since 15.06.2023. The petitioner is not involved in any other case.

Challan has already been filed against the petitioner. The investigation of

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the case is complete and, therefore, the petitioner is not required for any further investigation purposes. Hence, the petitioner deserves to be released on bail pending trial.

3. Notice of motion.

4. On the asking of this Court, Mr. Jashandeep Singh, AAG, Punjab, accepts notice on behalf of the respondent-State. Custody certificate of the petitioner has been filed by learned State counsel today in the Court. The same is taken on record. Learned State Counsel, on instructions, from ASI Avtar Singh, submits that the petitioner was one of the assailants, who caused injuries to the complainant. Therefore, the petitioner does not deserve any concession of bail. However, it is not disputed by learned State counsel that allegation of actually having fired shots upon the complainant, is attributed to co-accused, Kulwinder Singh. It is also not disputed that no specific injury is attributed to the petitioner. It is also not disputed that the petitioner has been in custody since 15.06.2023.

5. In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

24.11.2023

parveen kumar

**(RAJBIR SEHRAWAT)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No