

253

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-61900-2023

Date of Decision: 14.12.2023

Major Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Kulwinder Singh Dhillon, Advocate,
for the petitioner.

Mr. G.S. Sidhu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.119 dated 18.07.2023, under Sections 307, 336, 323, 506, 148, 149 IPC and Sections 25/27 Arms Act 54 of 1959, registered at Police Station Gharinda, District Amritsar.

2. It has been submitted by learned counsel for the petitioner that the petitioner is in custody for about 5 months and the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court. He further submitted that as per the allegations, the complainant had lodged a complaint by alleging that when he was coming from a street then the present petitioner along with his son and some other persons had attacked him and fire-arms were also used. He also submitted that even as per the FIR and the allegations, there is no role attributable to the petitioner except that he was a part of the unlawful

assembly. He further submitted that a perusal of the FIR would show that the petitioner was totally unarmed and the firing if at all was attributable to the other co-accused, who is the son and the other persons. He also submitted that in fact the petitioner was falsely implicated in the present case only because of the fact that he is the father of the co-accused whereas he is innocent and is not involved in the present offence. He submitted that the petitioner has clean antecedents and is not involved in any other case and has therefore, prayed that considering the aforesaid facts and circumstances, he may be considered for grant of regular bail.

3. On the other hand, Mr. G.S. Sidhu, learned AAG, Punjab has stated that it is correct that the petitioner is in custody for about 5 months and he was stated to be unarmed. He has however opposed the grant of regular bail to the petitioner on the ground that he was a part of the unlawful assembly by which the injuries were caused to the injured by way of firearm. So far as the antecedents of the petitioner are concerned, he submitted that it is also correct that the petitioner has clean antecedents and is not involved in any other case.

4. I have heard the learned counsels for the parties.

5. The petitioner is of the age of 54 years and he is the father of the co-accused and qua the other co-accused, fire-arm injuries have been attributed. A perusal of the FIR would show that the petitioner is stated to be unarmed. The arguments which have been raised by the learned counsel for the petitioner that the petitioner has been nominated as an accused only because he is the father of the other co-accused, cannot be ignored and even as per the learned counsels for the parties, the petitioner is stated to be

having clean antecedents and is not involved in any other case whatsoever. The investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court and the trial of the case may take long time. Furthermore, it is neither the case of the State nor it has been so argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may repeat the offence. Therefore, considering the aforesaid facts and circumstances of the case, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

14.12.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No