

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-4340-2024 (O&M)
Date of Decision:-1.2.2024

Malkeet Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mohit Sharma, Advocate and
Ms. Priya Sharma, Advocate for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab,
assisted by SI Amarjeet Singh.

FIR No.	Dated	Police Station	Section/s
94	12.11.2022	Talwandi Bhai	307, 506, 386, 511, 34 of Indian Penal Code and Sections 25 and 27 of Arms Act

GURVINDER SINGH GILL, J. (Oral)

CRM-3746-2024

In view of the reasons mentioned in the application, the same is
allowed as prayed for.

CRM-M-4340-2024 (Main Case)

1. The petitioner seeks grant of regular bail in respect of the aforementioned
FIR.
2. The FIR was lodged at the instance of Parminder Singh, wherein it is alleged
that on 23.10.2022, he received a telephone call from some international

number and the caller demanded extortion money from him, but the complainant refused to pay any such amount. It is alleged that on 12.11.2022 at about 01:55 A.M. he heard noise of a motorcycle outside his house on account of which he woke up. When he went outside, he saw three persons riding a motorcycle and one of them, upon noticing the complainant, started firing at him and the shots hit the main gate of his house and thereafter the complainant ran inside his house to save his life.

3. Learned counsel for the petitioner submitted that the petitioner is nowhere named in the FIR and came to be nominated as an accused on the basis of a disclosure statement allegedly made by co-accused Gurpiar Singh @ Jhanda. It has further been submitted that, even if, the allegations are taken to be correct, it will be debatable as to whether offence under Section 307 IPC would be attracted or not given the fact that no injury has been sustained by anybody and the shot by firearm is stated to have hit the gate.
4. Opposing the petition, learned State counsel submitted that the *mens rea* is very much evident from the fact that the accused had fired at the complainant though to his good luck the shot missed him. It has further been pointed out that the petitioner happens to be involved in two other cases. Learned State counsel has informed that the petitioner as on date has been behind bars since the last about 1 year and that although challan has been presented, but charges are yet to be framed and as many as 12 PWs have been cited.
5. This Court has considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner has been nominated as an accused on the basis of disclosure statement of a co-accused, the admissibility and veracity of which would be debatable apart from the fact that it is a case of no injury.

The petitioner, in any case, has been behind bars for a substantial period of about 1 year. The Trial has not even commenced till date. Under these circumstances, further detention of the petitioner will not serve any useful purpose as the conclusion of trial is likely to consume time. The instant petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

1.2.2024
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No