



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M-6079-2024
Harpreet SinghPetitioner

versus

State of Punjab Respondent

2. CRM-M-42230-2023
Gurlal Singh @ DaloPetitioner

versus

State of Punjab Respondent

Date of decision : 02.09.2024

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Mohit Kakkar, Advocate
for the petitioner in CRM-M-6079-2024.

Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner in CRM-M-42230-2023.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

By way of this common order, I intend to dispose of abovesaid two petitions as they have arisen out of the same FIR.

Petitioners have approached this Court by way of present petitions praying for granting them regular bail in case FIR No.184 dated 29.10.2022, under Sections 307, 324, 325, 148, 149, 379-B (2) and 427 of IPC and Sections 25, 54 & 59 of Arms Act and substantive offence thereof, registered at Police Station Gharinda, District Amritsar.

Adumbrated facts of the case are that the complaint was lodged by the complainant, namely Gurmandeep Singh. It was alleged that on 28.10.2022, they were returning on their tractor trolley after selling



paddy crop in the Mandi. He submits that at about 1.00 A.M. when they reached near river bridge Cheemya via Ranike Maur, they were intersected by one Swift car, colour white bearing number PB-02-DL-5005, from which four young persons alighted and they started firing upon them with pistol. It was alleged that a young man with the pistol was Gurlal Singh @ Dalo, whereas the other one was Harpreet Singh @ Happy resident of Ranike. Thereafter, one more Verna car came from which 05 young men alighted with Datar/Kirpans etc. They started attacking the complainant side. Petitioner-Gurlal Singh @ Dalo fired three shots from his pistol which hit on the left leg of Inderbir Singh and other hitting on the right leg of Baldev Singh. They cried for help and on hearing the same, the accused ran away from there, while Harpreet Singh snatched mobile phone of the complainant. A request was made to take the legal action against all the accused. On the basis of the complaint the FIR was registered and investigation commenced. The accused/petitioner, namely, Gurlal Singh @ Dalo was arrested on 29.11.2022 whereas accused/petitioner Harpreet Singh was arrested on 11.08.2023. They approached the Court of Ld. Additional Sessions Judge, Amritsar for grant of bail, however, after hearing both the sides, their applications were declined by the Learned Additional Sessions Judge, Amritsar vide orders dated 18.12.2023 and 21.04.2023, respectively. Aggrieved by the same, the petitioners are before this Court by way of filing the present petitions.

It has been contended by learned counsel for the petitioner-Harpreet Singh that though the petitioner has been named in the FIR, however, he has not been attributed any specific injuries. He submits that the petitioner and complainant belong to the same village and there is a



rivalry among both the sides. He, thus, submits that false and frivolous allegations have been made by the complainant against the petitioner-Harpreet Singh that he snatched mobile phone of the complainant. He fairly submits that the petitioner is being prosecuted in other FIRs as well, however, he is on bail in those cases. Learned counsel for the petitioner-Gurlal Singh @ Dalo has submitted that the petitioner has been alleged to have fired at Inderbir Singh and Baldev Singh, however, seat of the injury is leg and thus, it is evident that there was no intention on the part of the petitioner to kill the injured and hence, the offence under Section 307 IPC is not attracted. He has also fairly submitted that the petitioner though is being prosecuted in other cases, however, he is on bail in those cases. It has been submitted by learned counsel for the petitioners that the material witnesses have already been examined by the trial Court and thus, in the facts and circumstances of the present petitions, petitioners deserve to be granted regular bail.

Per contra, learned State counsel has opposed the submissions made by counsel for the petitioners. He has stated that case of the prosecution is based on the eye-witness account where there are injured witnesses as well. He submits that in all there are 17 prosecution witnesses and only 05 have been examined so far. He has also placed on record the custody certificates of both the petitioners which would show that petitioner-Gurlal Singh @ Dalo has completed the incarceration of about 01 year and 09 months as on 31.08.2024 and petitioner-Harpreet Singh has completed 01 year and 07 days as on 31.08.2024.

Heard. On hearing counsel for the parties and perusing the record, it is apparent that petitioner Gurlal Singh @ Dalo was arrested on 29.11.2022 and petitioner-Harpreet Singh was arrested on 11.08.2023.



There are no specific allegations of causing injury by petitioner-Harpreet Singh. So far as petitioner-Gurlal Singh @ Dalo is concerned, he is alleged to have given the fire arm shots on the leg of injured Inderbir Singh and Baldev Singh. Material witnesses as submitted by the counsel for the petitioners, have already been examined by the trial Court. As submitted by learned State counsel, out of 17 witnesses, 05 already stands examined.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail. Accordingly, both the petitions are allowed. Petitioners, namely, Harpreet Singh and Gurlal Singh @ Dalo, are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

Photocopy of this order be placed on the file of other connected cases.

(RAJESH BHARDWAJ)
JUDGE

02.09.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No