2024:PHHC:017999

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

240

CRM-M-5736-2024
Date of decision : 08.02.2024

Gaurav **..... Petitioner**

versus

State of Punjab **..... Respondent**

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Lokesh Vohra, Advocate
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

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PANKAJ JAIN, J. (Oral)

1. At the outset, counsel for the petitioner submits that there is a typographical mistake in head note and prayer clause as the offence punishable under Section 506 of IPC had been wrongly mentioned as 56 of IPC.

2. Registry is directed to carry out necessary correction in the head note and prayer clause.

3. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.166 dated 21.09.2023, registered for the offences punishable under Sections 307, 459, 342 and 34 of IPC (Sections 201, 506 and 120-B of IPC added later on) and Sections 25/27/54/57 of Arms Act at Police Station Sadar Ferozepur, District Ferozepur.

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4. As per the contents of the FIR, it has been alleged as under:-

> "Statement of Harpreet Kaur wife of Late Nishan Singh son of Jasvir Singh R/o village Assal police station Sadar Ferozepur aged about 28 years mb no. 6283848816. Stated that I am resident of above said address and a household lady about 10 years ago my marriage was solemnized with Nishan Singh r/o Assal, I have two children son aged about 5 years and daughter aged about 8 years. My husband Nishan Singh has expired in the year 2018. Now, my both children and my mother in law and sister in law Amandeep Kaur @ Mannu Baba are residing I and my mother in law along with our children were slept in one room and in another room my sister in law namely Amandeep Kaur @ Mannu was sleeping and our servant namely Jashan was sleeping in the cattle hut. On dated 20-21.09.2023 at about 01.00 AM two unknown persons entered into our house after crossing the wall. Who entered our room after waking us up and took keys of our house and mobile phone mark Apple I-Phone in which 6283848816 number is working and mobile phone of my mother in law Gurmeet Kaur which is keypad phone and touch phone of my daughter. They had pistol due to the fear we gave them keys and mobile phone. After that out of them one gentleman had locked me in the washroom which situated in the room and shoot my mother in law. I heard the noise of firing in the washroom and I raised alarm Bachao Bachaoo on that my sister in law wake up in the second room, who also raise alarm and accused persons ran away from the spot. My sister in law open the door of

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> washroom then we saw that my mother in law Gurmeet Kaur was lying on the floor of our house. She received fire arm injury on the left side of her chest, who was semi conscious and blood was oozing. To whom we arrange the vehicle and admit at Baghi Hospital Ferozepur due to the unstable condition my mother in law Gurmeet kaur was referred at GMC Ludhiana. I become unconscious after seeing the incident due to that my relative Sukhwinder Singh has arranged the vehicle and admitted me at Civil Hospital Ferozepur where my treatment is going on. Now I disclosed to you Statement is recorded heard it is correct Sd/- Harpreet Kaur."

5. Counsel for the petitioner relies upon order dated 21.12.2023, 12.01.2024 and 07.02.2024 passed in CRM-M-63542-2023, CRM-M-392-2024 and CRM-M-4818-2024 respectively, whereby co-accused have been admitted to bail.

6. Further submits that as per the case of prosecution, the allegation against the petitioner is that he received Rs.90,000/- from Jashanpreet Singh which were paid by Amandeep Kaur @ Mannu purchase of gun. Both Amandeep Kaur @ Mannu as well as Jashandeep Singh stands admitted to bail.

7. Counsel for the State is not in a position to dispute the aforesaid fact.

8. Challan stands presented. Petitioner is behind bars for more than 04 months and 12 days.

9. Keeping in view the parity and the incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is

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ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

10. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

08.02.2024
Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No

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