



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

CRM-M-9027-2024 (O&M)
Date of Decision:- 22.10.2024

Sam ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Ravinder Kaur Manaise, Advocate, for the petitioner.
Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

FIR NO.	DATE	POLICE STATION	OFFENCES
131	18.10.2023	Dera Baba Nanak, Police District Batala, District Gurdaspur	307, 34 IPC and Sections 25, 27 of Arms Act

GURVINDER SINGH GILL, J. (Oral)

CRM-41164-2024

In view of the reasons mentioned in the application, the same is allowed as prayed for and copy of statements of PW-1 to PW-3 are taken on record as Annexures P-3 to P-6, subject to all exceptions.

Main case

- The instant petition has been filed on behalf of the petitioner seeking grant of regular bail in respect of aforementioned FIR.



2. The FIR was lodged at the instance of Principal Vikramjit Singh wherein it is alleged that on 18.10.2023 at about 8.45 am, when a morning meeting was going on in the school, then two boys came on a motorcycle whose names are Samaun Masih and Sam and they fired at the students with a pistol on account of which Gurdial Singh Watchman and one Dilpreet Singh were injured.
3. Learned counsel for the petitioner submits that a false FIR has been registered and that the falsity of the case would be evident from the fact that when the complainant as well as injured were examined, they did not fully support the case of prosecution. Learned counsel in this regard has referred to the statement of injured Dilpreet Singh wherein he stated that the accused persons who were produced through video conferencing were not the same persons who had fired from the pistol. Learned counsel has also referred to a similar statement of the Watchman i.e. PW-3 Gurdial Singh who also did not identify the accused to be the assailants.
4. Opposing the petition, learned State counsel has submitted that it is a case where the accused had apparently won over the witnesses or has intimidated them. Learned State counsel has however, informed that the petitioner has been behind bars since the last 11 months and 24 days and is otherwise not involved in any other case.
5. This Court has considered rival submissions addressed before this Court.



6. Having regard to the fact that the petitioner has been behind bars for a substantial period of more than 11 months and that the injured witnesses have already resiled, further detention of the petitioner would not serve any useful purpose. The 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.

22.10.2024
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No