



Date of decision:16.07.2024

(i) CRM-M-9662-2024

VS.

State of Punjab ...Respondent

(ii) CRM-M-9711-2024

VS.

State of Punjab ... Respondent

Present : Mr.Raghav Soni, Advocate
for the petitioner (in both petitions).

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J.

1. This order shall dispose of above-said two petitions i.e. CRM-M-9662-2024, titled as Joban Singh Vs. State of Punjab and CRM-M-9711-2024 titled as Baljit Singh @ Kalu Vs. State of Punjab, whereby the petitioners have prayed for grant of bail to them in case FIR No. 168 dated 28.11.2023 registered under Sections 307, 148, 149 of IPC, Sections 25, 27 of Arms Act, 1959 and under Sections 21 C, 27A & 29 of NDPS Act, 1985 (added later on), at Police Station Chattiwind, District Amritsar.

2. The FIR in the present case was registered on the basis of the statement made by Gurpreet Singh @ Gurjeet and the same has been reproduced below:-



“Statement of Gurpreet Singh alias Gurjit, son of Jaspal Singh, resident of Manawala Kala, Police Station Chattiwind, District Amritsar, aged 26 years phone number 9915915175. Stated that I am a resident of above said address and working as a labourer. On 27-11-2023, time was around 9 o'clock in the night that my uncle's son Joban Singh son of Balwinder Singh, resident of Manawala Kala was standing in the street outside his house that he had a dispute with Bitta Singh son of Banka resident of Manawala Kala. Joban Singh came home and told me the whole thing, then after some time we both came to the main street and saw in the street that Gurpreet Singh @ Gopi alias F, son of Major Singh armed with Pistol, Jobanjit Singh son of Major Singh armed with stones, Happy Singh son Major Singh armed with Datar, Kalu son of Pala armed with stones, Bitta Singh son of Banka Singh armed with stones, all residents of Manawala Kala, Police Station Chattiwind, District Amritsar. They started pelting bricks at us, I and Joban Singh got scared and ran to the house of our uncle Mangal Singh alias Manga and climbed on the barn. We told them from the roof of the barn not to do this. In the meantime, Kalu son of Pala raised lalkara and told Gurpreet Singh alias Gopi @F shoot both of them, Gurpreet Singh alias Gopi @ F fired four-five shots with his pistol with the intention of killing us, in which one the shot hit my thigh of right leg due to which I fell down. We raised alarm of Maar Ditta Maar Ditta, then all these people ran away from the street with their weapons, because the street light was lit, it was very bright. I was injured and taken to Manawala Kala Hospital by my heir (father) Jaspal Singh, where Dr Sahib gave first aid and referred me to Sri Guru Nanak Dev Ji Hospital, Amritsar for further treatment. At this time, I am under treatment at Guru Nanak Dev Hospital, Amritsar. The bone of contention is that some time ago Bitta Singh gave injuries to my brother Satnam Singh alias Sagar. Keeping the same thing in mind, they resist with



us. In connivance with each other, these men threw a brick at me and injured me by shooting with the intention of killing me. All this incident has been witnessed by my cousin Joban Singh. Legal action should be taken against these people. Statement has been recorded, which is correct Sd/- Gurpreet Singh.”

3. Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. Even as per the allegations levelled by the complainant, both the petitioners were armed with stones and had caused injuries to the opposite side by throwing the stones. He further contends that the petitioners were arrested in the present case on 28.11.2023 and the challan has already been presented against them. He further contends that in the present case, during the course of investigation, the co-accused, Gurpreet Singh @ Gopi was also arrested, who had suffered a disclosure statements and in pursuance to the disclosure statement, 325 grams of heroin was recovered by the police from the place, which was disclosed by Gurpreet Singh @ Gopi, co-accused. He further contends that the petitioners had no concern with the contraband, which was allegedly recovered from Gurpreet Singh @ Gopi and their case is on a different footing from their co-accused. Learned counsel further contends that in the present case, the prosecution has cited 19 witnesses in support of charge and no witness has been examined so far.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioners on the ground that the petitioners were involved in a serious crime. However, he admits that the recovery of 325 grams of heroin had taken place only in pursuance of the



disclosure statement suffered by Gurpreet Singh @ Gopi, main accused and the petitioners had no concern with the recovery of the contraband.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, both the petitioners were ordered to be arrested on 28.11.2023 and are the first offenders. Apart from that, the only role assigned to both the petitioners is that they had allegedly caused injuries by pelting the stones on the opposite side and no other role has been attributed by them. Even the injured had already been discharged long ago. The trial before the trial Court is at the nascent stage and is not likely to conclude in near future. Thus further custody of the petitioners will not serve any meaningful purpose and they are entitled to be released on bail by this Court.

7. Without commenting any further on the merits of the case, both the petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

16.07.2024
hemlata

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