

CRM-M-10387-2024

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-10387-2024 (O&M)

Date of Decision: 04.03.2024

GURTEJ SINGH @ GURI SAHOTA

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jasdeep S. Kailey, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This is the first petition filed under Section 439 of Cr.P.C. seeking grant of regular bail to the petitioner in the case bearing FIR No. 163 dated 08.10.2023 registered under Sections 307, 506, 148, 149 of Indian Penal Code and Sections 25, 27, 54 and 59 of Arms Act at Police Station Model Town, Ludhiana.
2. The brief facts of the case as discernible from the record are that the FIR was lodged on the statement of Mudit Sood who made the following statement:-

"Today I along with Karan Singh son of Sukhwinder Singh r/o H.No.48-A Model Town, Ludhiana was sitting at the house of Garry Bhardwaj son of Sanjeev Bhardwaj r/o 8-B Sarabha Nagar Ludhiana. When Karan Singh started from his house on Activa to drop of Garry Bhardwaj and I stated on my Activa to go to my house, Abhijit Singh Mand and Kundal Sachdeva met us on the way and we stopped in the vacant ground near Puri Hospital and started having a talk. At about 1.00 a.m. from the gate of ground towards the Dr. Ambedkar side, a number of young boys on 4/5 vehicles ie. one black Thar, Swift, Innova, Audi and i-10 and 2/3 motor cycles came there. Kanwarbir Singh @ Deo son of Goggy

Sarpanch r/o village Bahadarke, Rajbir Cheema and Teji Grewal sitting in Thar, Dimanshu Kochhar, Harsh and Nawab Bajwa son of Vicky Bajwa along with some unknown persons came in second vehicle and as soon as they came there, Kanwarbir Singh sitting in the Thar fired at us with the pistol in his hand with intention to kill us and the young persons sitting in other vehicle also fired on us with the pistols in their hands. They all fired about 8-10 shots. That one of the bullet fired by Kanwarbir Singh hit on my left arm and one bullet hit in the stomach of Abhijit Singh Mand. There were about 10-12 unknown persons with them. We fled away from the spot to save our life and all these persons while giving abuses and threats also fled away from the spot along with their weapons in their vehicles. Cause of grudge is that our friend Dipanshu hires parties in Hotels and Restaurants and they were forcibly demanding passes of hotel Latore South City, Ludhiana."

3. Learned counsel for the petitioner contends that the perusal of the FIR would indicate that the injury attracting the offence under Section 307 of IPC is specifically attributed to the co-accused Kanwarbir Singh @ Deo. The present petitioner was neither named in the FIR nor his description was given amongst unknown person who had accompanied the co-accused Kanwarbir Singh @ Deo. Learned counsel further contends that similarly situated co-accused namely Vatsal Gaggar and Manjot Singh @ Monu @ Manjyot Singh have been granted the concession of regular bail by this Court vide orders dated 21.11.2023 (Annexure P-2) and 04.01.2024 (Annexure P-3) passed in CRM-M-55473-2023 and 64138-2023 respectively.

4. Per contra, the learned State counsel opposes the grant of regular bail to the petitioner on the ground of petitioner has been involved in a grievous offence attracting the offence under Section 307 of Indian Penal

Code. However, learned State counsel could not controvert the fact that the similarly situated co-accused namely Vatsal Gaggar and Manjot Singh @ Monu @ Manjyot Singh have been granted the concession of regular bail by this Court.

5. Having heard learned counsel for the parties and perusing the custody certificate, it transpires that the petitioner was arrested on 18.11.2023. Culpability, if any, would be determined at the time of trial. No useful purpose would be served by further detention of the accused-petitioner.

6. Keeping in view the role attributed to the petitioner and the fact that the injury attracting Section 307 of IPC, is not attributed to the petitioner, the present petition is allowed without commenting upon the merits of the case lest it may prejudice the outcome of the trial and the petitioner- Gurtej Singh @ Guri Sahota is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

04.03.2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

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