

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

CRM-M-10720-2024 (O&M)
Date of Decision:-14.3.2024

Gautam Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Birinder Pal, Advocate for the petitioner.

Mr. Vinay Kumar Malhotra, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
214	22.11.2019	Sadar Faridkot	302, 450, 307, 323, 427, 506, 148, 149, 120-B of Indian Penal Code and Sections 25, 27, 54 and 59 of Arms Act

GURVINDER SINGH GILL, J. (Oral)

1. 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 Jasvir Singh, wherein it is alleged that on 22.11.2019, when the complainant alongwith his son Harman Singh was present at his house, then Gurpreet Singh @ Gurna accompanied by 6 unidentified persons entered into the house of his brother Makhan Singh. Gurpreet Singh @ Gurna is alleged to be carrying a pistol while one more

unidentified person was also having a pistol. Two unidentified persons were carrying base-ball bats and one more unidentified person was carrying a 'kirch'. When the complainant and Harman Singh went towards them, then Gurpreet Singh @ Gurna raised a 'lalkara' exhorting his companions to eliminate the complainant and others. It is alleged that Gurpreet Singh fired shot from his pistol at Makhan Singh, who was sitting on a cot, hitting him on his abdomen. When the complainant and Harman Singh raised alarm, the assailants gave beatings to him as well as to Harman Singh, son of the complainant. It is alleged that the assailants threatened them and fired shots in the air and fled away from the spot. It is further alleged that the complainant's nephew Kulveet Singh son of Makhan Singh was also present at the spot.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the falsity of the case would be evident from the fact that material eye-witnesses namely Jasvir Singh, Harman Singh, Kulveet Singh Singh, Dilbagh Singh and Parvinder Singh have already resiled and have not supported the case of the prosecution. It has further been submitted that the main accused namely Gurpreet Singh @ Gurna has already been released on bail by the Trial Court while taking due notice of the fact that the material PWs have resiled.
4. Opposing the petition, learned State counsel submitted that since the petitioner had earlier remained a proclaimed offender, he does not deserve the concession of bail. It has been informed that the petitioner as on date has been behind bars since the last more than 1 year and 2 months and that as on date 8 PWs out of the cited 43 PWs have been examined.
5. This Court has considered the rival submissions addressed before this Court.

6. It is not in dispute that the petitioner is not named in the FIR. The petitioner, however, later on came to be nominated as an accused on the basis of a statement of eye-witness namely Parvinder Singh. However, when the said Parvinder Singh stepped into the witness-box, he has absolutely resiled and has not identified the petitioner to be amongst the assailants. The petitioner is not stated to be involved in any other case. The petitioner has been behind bars since the last more than 1 year and 2 months. Conclusion of trial is likely to consume time inasmuch only 8 PWs out of the cited 43 PWs have been examined so far. The main accused namely Gurpreet Singh @ Gurna has already been released on bail. In these circumstances, this Court is of the opinion that the petitioner also deserves the same relief.
7. The instant 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.

14.3.2024
pankaj

(Gurvinder Singh Gill)
Judge

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