



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

286

CRM-M No10667 of 2024
Date of decision: 23.09.2024

GURLAL AND ANOTHER
STATE OF PUNJAB

.... Petitioners
Versus
.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr.Lakhwinder Singh Mann, Advocate for the petitioners.

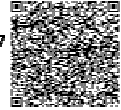
Mr. A.S. Samra, A.A.G, Punjab.

Mr. Piyush Sharma, Advocate for the complainant.

MANISHA BATRA, J. (oral)

1. The present petition has been filed by the petitioners for grant of regular bail in case arising out of FIR No.17 dated 20.02.2023 registered under Sections 307,336, 506, 452, 148 and 149 of IPC (Section 201 of IPC added later on) and Sections 25 and 27 of the Arms Act.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant-Harpal Singh alleging therein that on the same day at about 11.30 am, he was standing at the main gate of his house when Gursahib Singh and Maninder Singh came to him. In the meantime, the petitioner along with Harjit Singh, Arshdeep Singh and Gurdas Singh and 3-4 unidentified persons armed with weapons came and made an exhortation to teach a lesson to Gursahib Singh for quarrelling with them. Gurdas Singh and Maninder Singh had entered inside his house. The petitioner along with co-accused also entered therein and started firing shots from pistol upon them.

**CRM-M No10667 of 2024**

-2-

The shots fired by the petitioner hit the wall of store in the house of the complainant. Another shot was fired at Gurdas Singh and Maninder Singh. The complainant and his family members raised rescue alarm and thereafter assailants fled away from the spot. Gurdas Singh had sustained injury and was rushed to hospital. By alleging that the petitioner and co-accused made an attempt to kill them, he prayed for taking action against the culprits. After registration of the FIR, investigation proceedings were initiated. The petitioner was arrested on 02.10.2023. Co-accused were also arrested. The investigation has since been completed and the petitioner is facing trial along with co-accused.

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No injury had been sustained by the complainant in the incident. A simple injury was sustained by Gursahib Singh which has not been opined to be a gunshot injury. The ingredients for commission of offence punishable under Section 307 of IPC have not at all been attracted. In fact, FIR of this case is a counter blast to the FIR bearing No.5 dated 24.01.2023, got registered upon the complainant made by the father of the petitioner. Trial is likely to take time. His further detention would not serve any useful purpose. Hence, it is urged that he deserves to be extended benefit of bail.

3. Status report filed on behalf of the respondent-State is taken on record.

4. Learned State counsel assisted by learned counsel for the complainant has argued that the petitioner had fired shots with pistol thereby hitting the store wall of the house of the complainant. Co-accused had fired



shots at Maninder Singh who somehow managed to escape but victim Gurdas was injured in the incident and sustained injury. There is nothing on record to show that there would be undue delay in conclusion of the trial. The petitioner has criminal antecedents since as many as 6 criminal cases have been registered against him. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. Therefore, it is urged that he does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the parties at considerable length.
6. The petitioner is alleged to have formed membership of an unlawful assembly along with co-accused and in prosecution of common object of that unlawful assembly, is alleged to have fired shots with pistol upon the complainant and the other victims. One of the victims had sustained a simple injury. The petitioner is in custody since 02.10.2023. Investigation has since been completed. Trial is likely to take time. The fact that he is involved in some other cases, cannot be considered for the purpose of rejecting the prayer made by the petitioner for his release on bail. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts and circumstances but without meaning to make any comment on the merits of the case, the petition is allowed and petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of the trial Court.

23.09.2024.
Jyoti-IV

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable : Yes/No