



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

242

CRM-M-17510-2024  
Date of decision: July 11<sup>th</sup>, 2024

Gaurav @ Gora  
.....Petitioner

Versus

State of Punjab  
.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Akhilesh Vyas, Advocate  
for the petitioner.  
  
Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

**MANJARI NEHRU KAUL, J. (ORAL)**

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.82 dated 01.04.2021 under Sections 302, 506, 148, 149 (Sections 120-B and 201 added later on) of the IPC and Sections 25, 27 of the Arms Act, 1959 registered at Police Station Sadar Amritsar, District Police Commissionerate, Amritsar.

2. Learned counsel for the petitioner at the outset has drawn the attention of this Court to the contents of the FIR, which has been annexed as Annexure P-1. While drawing the attention of this Court to the allegations levelled therein, it has been argued by the learned counsel that though a fabricated version has been brought forth against the petitioner, however, even for the sake of arguments, if the allegations are taken to be true, no injury much less fatal on the person of the deceased has been attributed to the petitioner; the only role attributed to the petitioner is of being present with the co-accused at the

time of the alleged occurrence, armed with a sword. Learned counsel has submitted that it is not even the case of the prosecution that the petitioner had either raised any *lalkara* or used the sword, which he was allegedly armed with, to threaten the complainant party or even attempted to injure them with it. It has been further submitted that though it is an eyewitness account, even otherwise the petitioner had no motive to commit the crime in question because the dispute, if any, was between complainant and co-accused Sunny Gill. Learned counsel has still further submitted that after the petitioner was arrested on 31.10.2023, as many as ten prosecution witnesses including the eyewitness had been examined, however, 22 prosecution witnesses still remain to be examined. Hence, there was no possibility of the trial concluding in the near future.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the petitioner has not been attributed any injury on the person of either the deceased or any other witness. Learned State counsel has also not disputed that all the material witnesses in the instant case stand examined and 22 witnesses still remain to be examined.

4. On a pointed query, learned State counsel, on instructions from ASI Sewa Singh, has submitted that the petitioner is not involved in any other criminal case.

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

6. It would be apposite to reproduce the contents of the FIR (Annexure P-1), which are as under:-

*“Statement of Parhlad Kumar alias Pappal son of Sh. Parmod Kumar resident of street No. 3, Sandhu Colony near Mohan Property Dealer, Batala Road, Amritsar aged about 30 years, mobile No. 62046- 07821, stated that I am resident of above noted address, we are three brothers and sisters. Elder sister Payal is married, I am younger to her, youngest brother is Sunny alias Talli aged about 26 years. We both brothers are unmarried. My mother Lata and father Parmod Kumar are aged and works at home. About 5 months ago, a small quarrel occurred between my younger brother Sunny alias Talli with a resident of our street namely Sunny Gill son of Mohinder Singh, resident of house No. 818, Street No. 3, Sandhu Colony, Batala Road Amritsar. Sunny Gill was saying that my brother Sunny alias Talli has molested his wife Sandhya. This matter was compromised with the intervention of respectable persons that both the parties will reside peacefully at their respective houses. Yesterday on 31.03.2021 at about 7.00 PM, Surinder Kaur mother of Sunny Gill has complained me that your brother Sunny alias Talli is harassing our son Sunny Gill and I told her that we both brothers do not want to quarrel. Today on 01.04.2021 at about 12/01 (noon) when I was present in the Hall Bazar regarding my personal work, then my father made me phone call that Prahlad come soon at house, our neighbour Sunny Gill along with his family and unknown boys armed with weapons is roaming here, due to which I came back to my home. I was in the street at some distance back from the our house then Sunny Gill has started firing in air with his pistol and on hearing the noise of firing, my mother Lata, father Parmod Kumar and my brother Sunny alias Talli also came out in the street and saw that Sunny Gill armed with pistol, Labh Singh maternal uncle of Sunny, Sonu Gill sons of Mohinder Singh armed with Dangs, Gora son of Labh Singh with Kirpan (sword),*

*Sandhya wife of Sunny Gill and Labh Singh's mother Surinder Kaur residents of Sandhu Colony, Sonu alias Kakkri, Sagar residents of Indra Colony, Majitha Road Amritsar and 3-4 unknown persons were standing there. While looking us, Surinder Kaur wife of Mohinder Singh and Sandhya wife of Sunny Gill have raised Lalkara that catch them, don't let them alive, give them taste for quarreling with us. Sunny Gill has made gunshot with his pistol towards me with the aim to kill, I escaped myself and the gunshot hit on the stomach of my mother Lata who was standing behind me, then we raised noise Mardita Mardita and on looking gathering of people on the spot, Sunny Gill and his associates ran away from the spot along with their respective weapons and raising Lalkaras and threatening us. We have arranged the vehicle and took our mother at Corporate hospital Amritsar for treatment, where after checking, the doctors have declared my mother to be dead. I left my brother Sunny alias Talli and my father Parmod Kumar near the dead body of my mother in Corporate Hospital, Batala and I was going to inform you and you met me. Legal action be taken against the above said accused persons.”*

7. A perusal of the FIR reveals that though the petitioner was present along with the co-accused at the time of the crime in question, however, he has not been attributed any injury much less even instigation. The next date fixed before the trial Court is 17.07.2024 when some more prosecution witnesses have been summoned. The possibility of the trial concluding in the near future does not arise as 22 witnesses are still to be examined. Concededly, the petitioner is not involved in any other criminal case.

8. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the

satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 11<sup>th</sup>, 2024  
*Puneet*

(MANJARI NEHRU KAUL)  
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No