

CRM-M-16783-2024 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-16783-2024 (O&M)

Date of decision: 15.05.2024

Jasanpreet Singh

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Kuljit Singh, Addl. A.G. Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking grant of regular bail in criminal case having DDR/ Rapat No. 35 dated 20.12.2022, for the offence under Sections 302, 148 and 149 IPC and Sections 25 and 27 of Arms Act, registered in FIR No. 184 dated 20.12.2022, under Sections 302, 148 and 149 IPC and Sections 25 and 27 of Arms Act at Police Station Mamdot, District Ferozepur.

2. The allegations in nutshell are that at the time of occurrence, fight took place between two groups. The main FIR was registered on the basis of the statement of Daler Singh son of Amar Singh as per which Surinder Singh received fatal gun shot injury at the hands of Gurmej Singh son of Mahender Singh. There is also a cross version as per which co-accused Inderjit Singh caused fatal gun shot injury to Yunus son of Harbans Singh. The petitioner being accused in cross-version case was arrested on 23.12.2022.

3. The counsel for the petitioner submits that the case involves version and cross-version and the aggressor party would be ascertained during the trial which is going on. It is further contended that no fatal injury or any other specific injury is attributed to the petitioner who was stated to



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be armed with pistol at the time of occurrence. The counsel for the petitioner further submits that it will take considerable time for the trial to conclude as till date only 13 witnesses are examined on behalf of the prosecution. It is further submitted that during investigation, no incriminating article was recovered at the instance of the petitioner. Prayer is made that the petitioner be released on bail.

4. Short reply by way of an affidavit of Rajesh Kumar, Deputy Superintendent of Police (Rural), Ferozepur filed on behalf of the State is taken on record.

5. The present petition is resisted by the State counsel, who has not disputed the fact that the case involves version as well as cross-version and the main case was registered on the basis of the statement of Daler Singh as per which member of the other party, namely, Gurmej Singh son of Mahender Singh caused fatal gun shot injury to Surinder, while from the side of petitioner, co-accused Inderjit Singh caused fatal gun shot injury to Yunus and that at the time of occurrence, the petitioner was armed with pistol and that no fatal injury much less any specific injury is attributed to the petitioner, who is in custody since 23.12.2022. The State counsel further apprised the Court that it will take time for the trial to terminate. The State counsel has not disputed the fact that during investigation, no weapon was recovered from the petitioner.

6. I have considered the submissions made by counsel for the parties.

7. Admittedly, the main FIR was registered against the other party on the basis of statement of Daler Singh son of Amar Singh as per which the member of other party namely Gurmej Singh son of Mahender Singh caused gun shot injury to Surinder which resulted in his death. There is also cross-version as per which co-accused Inderjit Singh from the side of petitioner caused gun shot injury to Yunus which resulted in his death. So, the present case involves version and counter-version and the aggressor party will be ascertained during the trial. As per the allegations appearing on record at the time of occurrence, the petitioner was armed with pistol and was arrested on 23.12.2022 but during investigation, no weapon was recovered at his

instance. The State counsel has not disputed the fact that no fatal injury or any other specific injury is attributed to the petitioner. It will take considerable time for the trial to conclude. Further, co-accused Amar Singh who at the time of occurrence was armed with sword is already given benefit of regular bail by this Court vide order dated 19.01.2024 (Annexure P-4). Further, the culpability if any of the petitioner would be unfolded and determined at the time of trial.

8. In light of the above, this Court is of the view that no purpose is going to be served by detaining the petitioner in custody for any longer period. So, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
9. Pending application, if any, stands disposed of.

15.05.2024 <i>Yogesh</i>	(KARAMJIT SINGH) JUDGE
Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No