



CRM-M-21988-2024

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**220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-21988-2024
Decided on : 17.07.2024

Gurdial Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Vinod K. Kaushal, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.231 dated 07.12.2023 under Sections 307 IPC and Sections 25 and 27 of Arms Act(Section 54 and 59 of Arms Act and 120-B IPC added later on) registered at Police Station Beas District Amritsar Rural.

2. Learned counsel for the petitioner contends that a perusal of the FIR in question clearly reveals that the petitioner was neither named therein nor any suspicion raised qua his involvement in the crime in question; it has been submitted that it was after 13 days of the alleged occurrence i.e. on 20.12.2023 in a supplementary statement recorded by the complainant, the petitioner was nominated as an accused in the present case. Learned counsel has



further submitted that the said disclosure statement on the face of it comes across as a fabricated statement keeping in view the delay in getting the same recorded. Furthermore, as per the case of the prosecution also, it is a case of no injury as admittedly not a single injury was sustained by any person from the complainant party. Learned counsel has still further submitted that in the present case, investigation is complete as challan stands presented, however, none of the 10 prosecution witnesses has been examined till date as even charges have not yet been framed. Hence, in the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner would serve no useful purpose.

On a pointed query put to the learned counsel as to whether he has any criminal antecedents, he has categorically replied in the negative.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Nirmal Singh, has not disputed that the petitioner was neither named in the FIR in question nor any suspicion raised qua his involvement in the crime in question. It has also not been disputed that a disclosure statement was made by the complainant after 13 days of the occurrence wherein he stated that he had come to know from "his own sources" that the petitioner was the unknown person, who had come to his shop with a mask on his face, fired towards shop and thereafter fled away on his motorcycle. Learned State counsel on further instructions



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has not disputed the stage of trial and has submitted that the next date of hearing fixed before the trial Court is 30.07.2024 when the charges are likely to be framed. Furthermore, learned State counsel has not been able to controvert that the petitioner has clean antecedents and is not involved in any other criminal case much less a case of similar nature. Learned State counsel has, however, submitted that the recovery of motorcycle on which the petitioner came to the shop of the complainant has been affected from him. However, at the same time, he has not disputed that in the FIR in question, the details of the motorcycle on which the petitioner had come to the place of occurrence had not been given.

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

5. Before proceeding further, it would be apposite to reproduce the contents of the FIR in question, which are as under:

Statement of Jatinder Sapra son of Kashmir Lal Sapra resident of village Budha Theh, Police Station Beas aged about 29 years mobile No. 83605-56506, I would like to state that I am resident of above noted address and I am running Karyana Store under the name of Kashmir Karyana Store in my village. Today on 07.12.2023 at about 3.30 PM, I along with my wife Jyoti Sapra was present in my Karyana store and some customers were purchaser material from my shop then two unknown persons came on a motorcycle in front of my shop and the face of their motorcycle was towards Beas town and they had



covered their faces with clothe, one unknown person came down from his motorcycle and he has made fires with his pistol towards my shop with the aim to kill me, then we both husband and wife have hidden ourselves behind the counter and while opening the door of shop which is opening towards our house, we came through said door and entered into our house and the said persons while making firing, ran away from the spot on their motorcycle. I am sure that the said incident of firing is done under the instigation of Daljit Singh @ Lala son of Tarsem Singh, resident of my village and his family members because earlier also Daljit Singh alias Lala had threatened me. You reached at the spot. Legal action be taken against them. I have got my statement recorded, heard, same is correct.”

6. It is a case of no injury and the petitioner has been in custody since 20.12.2023. The petitioner is not stated to be involved in any other criminal case. The investigation in the case in hand is complete as concededly challan stands presented. The trial would take considerable time to conclude as 10 prosecution witnesses have been cited.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.



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8. 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.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

17.07.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

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