



CRM-M No.25502 of 2024

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

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**CRM-M No.25502 of 2024
Date of Decision : 24.5.2024**

Gurbinder Singh alias Nikka**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Gaurav Datta, Advocate with
Mr. Saurabh Savara, Advocate, for the petitioner

SANDEEP MOUDGIL, J (ORAL)

This is a petition seeking regular bail in FIR No.155, dated 2.11.2023, under Sections 452, 307, 336, 427, 148, 149 and 120B of the IPC, 1860, and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Jhabal, District Tarn Taran.

2. Learned counsel for the petitioner contends that it is a case of false implication whatsoever who is claiming parity with the co-accused Jatinder Singh, who has been granted anticipatory bail vide order dated 1.2.2024 passed in CRM-M No.5326 of 2024. He further asserts that even as per narrated facts in the FIR, the gun shots, if at all fired by the petitioner, have pierced the window of the house and hit the right thigh of Kawaljit Kaur and left thigh of Rano, which is highly unbelievable and difficult to accept that it is a co-incidence to get both the injuries on



thighs. Despite the fact Section 307 IPC is attracted in the FIR would make a case that the intent was to kill the injured but the bullet have caused injuries to both the victims on the thighs which is not vital organ and almost the same, either the left thigh or the right thigh of both the injured.

3. Notice of motion was issued in response to which learned State counsel has produced the custody certificate, same is taken on record, copy of which has been furnished to learned counsel for the petitioner. He prays upon dismissal of the petition primarily on the ground that the petitioner was carrying pistol who has fired gun shots, which hit on the body of the injured whereas the case of co-accused Jatinder Singh alias Mota is not with at parity since the presence of Jatinder Singh was disputed by him and in the instant case the petitioner is not questioning his presence at the spot of occurrence.

4. Be that as it may, considering the fact that primarily the petitioner has imprisoned almost five months in custody, to be processed, 4 months and 29 days and the injuries given are on non-vital parts of the body, meaning thereby body of two victims i.e. almost at the same part to say right thigh of victim Kawaljit Kaur and left thigh of victim Rano. Had the intention to kill was present, the injury might have been on some other organ, at least in any case, cannot be on the same part of the body of two victims. Apart from that in the instant case charges were framed and no prosecution witnesses has been examined.

5. In the light of the aforesaid facts and considering the discussion



made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

6. The present petition is, hereby, allowed.

(SANDEEP MOUDGIL)
JUDGE

24.5.2024
Ashwani

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