IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

[229]

CRM-M-27430-2024
Date of decision: 08.08.2024

Surjit Singh .....Petitioner

Versus

State of Punjab .....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. C.L. Sharma, Advocate for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Arnav Sood, Advocate for the complainant.

****

MANJARI NEHRU KAUL, J. (ORAL)

1. Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.0052 dated 12.03.2024 for offences punishable under Sections 323, 307, 458, 195A, 436, 511, 379B, 427, 148, 149 IPC and Section 25 and 27 of the Arms Act, 1959, registered at Police Station Tanda District Hoshiarpur.

2. Learned counsel for the petitioner submits that besides suffering from serious ailments, the petitioner deserves to be extended the concession of bail since investigation in the present case is complete and even challan stands presented.

3. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, it has been submitted that the petitioner has only been attributed a *lalkara* and he allegedly fired two shots in the air with his Double Barrel Gun.

ANJAL GUPTA
2024.08.09 14:23
I attest to the accuracy and
integrity of this document

Learned counsel has further asserted that there a false version has been brought forth in the FIR in question because admittedly there are strained relations between the parties as there is a criminal case pending between them.

4. Learned counsel for the petitioner has also submitted that one of the co-accused, namely, *Mandeep Singh @ Malhi*, who had been attributed an injury on the person of the complainant has since been extended the concession of bail by the learned trial Court vide order dated 15.07.2024.

5. *Per contra,* learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Lok Ram, has not disputed the role attributed to the petitioner in the crime in question. It has also not been disputed that co-accused, who had been attributed an injury has since been enlarged on bail.

6. However, learned counsel appearing for the complainant has submitted that the complainant was a witness in a criminal case in which the petitioner was one of the main accused; the petitioner had tried to create a fear psychosis in the mind of the witnesses including the complainant, so that they did not depose against him, and that is precisely the reason why the petitioner had threatened the complainant and fired in the air to prevent him from deposing against him.

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

ANJAL GUPTA
2024.08.09 14:23
I attest to the accuracy and
integrity of this document

8. The petitioner has been in custody since 12.03.2024; the investigation in the present case is complete, as challan stands presented. However, there is no likelihood of the trial concluding in the near future, as the charges have not been framed**,** coupled with the fact that as many as 22 prosecution witnesses have been cited, hence, further incarceration of the petitioner would serve no useful purpose,

9. In the facts and circumstances as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner.

10. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on her furnishing bail/surety bonds 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.

11. 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.

AUGUST 08, 2024 (**MANJARI NEHRU KAUL**)
*Anjal**
JUDGE

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

ANJAL GUPTA
2024.08.09 14:23
I attest to the accuracy and
integrity of this document