



105 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28809-2024
Date of Decision: 16.10.2024

GABBAR SINGH
....Petitioner

VERSUS

STATE OF PUNJAB
....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Ajaypal Singh Sandhu, Advocate
for the petitioner.

Mr. Jasjeet Singh Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case DDR/Rapat No.35 dated 20.12.2022 registered for the offences punishable under Sections 302, 148, 149 of IPC and Sections 25 and 27 of Arms Act registered in FIR No.184 dated 20.12.2022 under Sections 302, 148 and 149 of 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 on 20.12.2022, fight took place between two parties. The main FIR was registered on the basis of statement of Daler Singh son of Amar Singh as per which Surinder Singh received fatal gun shot injury at the hands of Gurmej Singh. There is also a cross-version as per which co-accused Inderjit caused fatal gun shot injury to Yunus. The petitioner being



accused in cross-version case was arrested on 23.06.2023 and got effected recovery of the pistol.

3. 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 argued that no fatal injury or any other specific injuries are attributed to the petitioner who is stated to be armed with pistol at the time of occurrence. Counsel for the petitioner further submits that the petitioner is incarcerated for the last more than 1 year and 3 months and it will take considerable time for the trial to conclude as till date only 14 witnesses are examined on behalf of the prosecution. Further similarly situated co-accused Amar Singh, Gurmej Singh and Jasanpreet Singh are enlarged on regular bail vide Annexure P-4, Annexure P-5 and Annexure P-6. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is resisted by the State Counsel, who on instructions from ASI Om Prakash 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 the member of other party namely, Gurmej Singh caused fatal gun shot injury to Surinder while from the side of petitioner, co-accused inderjit caused fatal gun shot injury to Yunus and that at the time of occurrence, the petitioner was armed with pistol. However, the State counsel has not disputed the fact that no fatal injury much less any specific injuries are attributed to the petitioner who is in custody for the last more than 1 year and 3 months. The State counsel further apprised the Court that in total



prosecution has to examine 27 witnesses out of which 14 witnesses are examined till date.

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

6. Admittedly, the main FIR in this case was registered against the opposite party on the basis of statement of Daler Singh son of Amar Singh as per which Gurmej Singh belonging to the other party caused gun shot injury to Surinder which resulted in his death. There is also cross-version as per which co-accused Inderjit from the side of petitioner caused gun shot injury to Yunus which resulted in his death. So, the present case involves version and cross-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 the recovery of the said weapon is already effected after the petitioner was arrested by the police on 23.06.2023. The State counsel has not disputed the fact that no fatal injury or any other specific injuries are attributed to the petitioner. It will take considerable time for the trial to conclude. Further similarly situated co-accused Amar Singh, Gurmej Singh and Jasanpreet Singh are already given concession of regular bail vide Annexure P-4, Annexure P-5 and Annexure P-6. This Court is of the view that, no useful purpose is going to be served by detaining the petitioner in custody for any further period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be

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released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

16.10.2024

Priyanka Thakur

(KARAMJIT SINGH)
JUDGE

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