

209-2

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-34879-2023
Date of decision:- 02.02.2024

SAHIL

....Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Rohan Garg, Advocate for
Mr. Siddharth Sihag, Advocate for the petitioner.
Mr. Harpreet Singh, Addl. AG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
53	08.12.2022	307, 341, 506, 34 IPC and 25 of Arms Act.	Rawalpindi, District Kapurthala.

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that no overt act has been attributed to the petitioner and infact the alleged shot was even stated to have been fired by co-accused Gopal. The petitioner is in custody since 08.12.2022 and the challan has already been

presented in Court as such he prays for grant of concession of bail to the petitioner.

3. Per contra learned State counsel referring to the reply dated 10.01.2024 has admitted the factual matrix of the case. He submits that considering the nature and gravity of the case the petitioner is not entitled to concession of bail. It is, however, submitted that challan has presented in Court and out of 17 witnesses cited by the prosecution none of the them have been examined as of now.

4. After considering the rival contentions and perusing the record and also the reply dated 10.01.2024 submitted by the State, it transpires that during investigation it was found that the gun shot fired was attributed to Gopal and not the present petitioner and even the weapon has been recovered from said co-accused Gopal. As per MLR there is one gun shot injury. The Challan has been presented in the Court, petitioner is in custody since 08.12.2022. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner, as 17 witnesses has been cited by the prosecution and none of them have been examined so far.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served in keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with

evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

02.02.2024
Gyan

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No