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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-37371-2024
Date of decision:-08.11.2024

GURDEV SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Vinod Ghai, Sr. Advocate with
Mr. Arnav Ghai, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

Mr,. Harbir Sandhu Advocate, for the complainant.

SANJIV BERRY, J.(ORAL)

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

FIR No.	Dated	Sections	Police Station
39	21.07.2023	302, 307, 148, 149 IPC and 25, 27 of Arms Act.	Arif Ke, District Ferozepur

2. Arguments heard.
3. It is *inter alia* contended by learned Sr. counsel for the petitioner
that the petitioner is innocent and has been falsely implicated in this case. He
submits that no specific overt act has been attributed to the present petitioner
and after his arrest on 21.07.2023 no recovery has been effected from him



and the only allegations against him, as per the FIR, is that the petitioner being empty handed, had raised lalkara, however, no injury is attributed to him. Learned Counsel submits that no other case is registered against the petitioner, who is 60 years old and after completion of investigation, challan has already been presented for trial and the conclusion thereof will take long time, as such he prays for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant have opposed the bail petition by arguing that the petitioner was part of unlawful assembly of the assailants and raised lalkara to teach lesson to the complainant, as such prays for dismissal of the bail petition. However, they have not disputed the fact that challan has been presented in Court, wherein prosecution has cited 33 witnesses and out of them only 15 witnesses have been examined so far and they have also admitted the fact that the petitioner is not having any criminal antecedents.

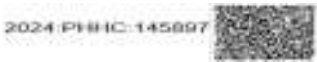
5. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution on 20.07.2023 complainant alongwith his uncle Jaswant Singh going to the fields, a tractor driven by Paramveer Singh along with Lakhwinder Singh and Tarsem Singh both armed with 12 bore gun and Major Singh armed with .315 bore rifle, Gurdev Singh empty handed and 4-5 unidentified persons armed with dangs and sotas stopped them and Gurdev Singh raised lalkara to taught them lesson on which Lakhwinder Singh and Tarsem Singh fired from 12 bore gun on Jaswant Singh and Major Singh also fired from his gun but that did not hit anybody on raising alarm all the accused ran away from the spot



injured wee shifted to the hospital where Jaswant Singh succumbed to the injuries.

6. Admittedly, as per the case of the prosecution the only allegations against the petitioner is that of having exhorted lalkara. The petitioner is stated to be empty handed and no injury is attributed to him. The petitioner is aged about 60 years, is not having any criminal antecedents. Admittedly, the learned counsel for the petitioner has also shown the testimonies of the prosecution witnesses recorded during course of trial wherein also the version of the prosecution regarding the petitioner being empty handed having caused no injury but having raised lalkara is attributed. The petitioner is in custody since 21.07.2023 and no recovery has been effected from him and after completion of investigation, challan has been presented in Court wherein prosecution has cited 33 witnesses and out of them only 15 have been examined so far. The conclusion of trial to ascertain criminal liability, if any, of the petitioner will take sufficient long time.

7. Keeping in view the fact that the petitioner is not having any criminal antecedents and no recovery has been effected from him, in these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by 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.

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

(SANJIV BERRY)
JUDGE

08.11.2024

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