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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-39892 of 2023
Date of decision:- 09.02.2024

GURLAL SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Sukhbir Maandi, Advocate
for the petitioner.

Mr. Gurpreet Singh Sandhu, DAG, 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
124	14.06.2020	307, 427, 506, 148, 149 IPC and 25 & 27 of Arms Act (336 IPC added lateron)	Bhikhiwind, Tarn Taran,

2. It is *inter alia* contended by learned counsel for the petitioner
that the petitioner has been falsely implicated in this case by the police and
he is innocent. He submits that during course of trial the material witnesses
vis-a-vis complainant as well as injured have not lent any support to the case

of the prosecution. He submits that the petitioner is in custody since 19.05.2023 and having no other criminal case pending against him, as such he prays for grant of concession of bail to the petitioner.

3. On the other hand learned counsel has opposed the bail application by arguing that the petitioner has committed heinous crime in a dispute qua water turn to their fields. Petitioner along with some other persons had stated to have fired towards the house of the complainant and in the process one Harpal Singh sustained injuries. However, he has referred to the custody certificate dated 22.01.2024 to say that there is no other case registered against the petitioner. The factum of complainant as well as injured having turn hostile is not disputed.

4. After considering the rival contentions and perusing the record, it transpires that the present FIR was registered on the statement of complainant Jaspal Singh stating that on 13.06.2020 he had a quarrel with petitioner and other persons regarding turn of taking water to his field and agitating with it, the petitioner had come to the house of complainant and fired from his gun which hit Harpal Singh. Petitioner was arrested on 19.05.2023 and after completion investigation challan was presented in Court. Admittedly during course of trial the prosecution has examined the complainant Jaspal Singh as PW1 and also examined Harpal Singh injured as PW2 and Gurpal Singh as PW3, who have not lent any support to the case of the prosecution nor they have said anything against the petitioner to be the person who had fired on the fateful day. The conclusion of trial will take sufficient long time and keeping in view the aforesaid circumstances coupled with the fact that the petitioner is not having other criminal case

against him no purpose would be served by detaining petitioner any longer.

5. Resultantly, 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/Duty Magistrate 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

09.02.2024

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