

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-42207 of 2023(O&M)
Date of Decision: 19.01.2024

Amar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Nakul Sharma, Advocate
For the petitioner.

Mr. Jashanpreet Singh, DAG Punjab.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking grant of regular bail in criminal case having DDR/ Rapat No. 35 dated 20.12.2022, for the offence under Sections 302, 148 and 149 IPC and Sections 25 and 27 of Arms Act, registered in FIR No. 184 dated 20.12.2022, under Sections 302, 148 and 149 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, fight took place between two parties. The main FIR was registered on the basis of the statement of son of the petitioner as per which Surinder Singh received fatal gun shot injury at the hands of Gurmej Singh. There is also 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 23.12.2022 and got effected recovery of one sword.

3. The 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 contended that no fatal injury or any other specific injury is attributed to the petitioner who was stated to be armed with sword at the time of occurrence. The counsel for the petitioner further submits that it will take considerable time for the trial to conclude as till date only six witnesses are examined on behalf of the prosecution. So, prayer is made that the petitioner be released on bail.

4. The present petition is resisted by the State counsel, who on instructions from ASI Darshan Singh, 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 son of the petitioner as per which member of the 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 sword and that no fatal injury much less any specific injury is attributed to the petitioner, who is in custody since 23.12.2022. The State counsel further apprised the Court that it will take time for the trial to terminate.

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

6. Admittedly, the main FIR was registered against the other party on the basis of statement of son of petitioner as per which the member of other party namely Gurmej Singh 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 as a

result of which he died. 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 sword and the recovery of the same is already effected after the petitioner was arrested by the police on 23.12.2022. The State counsel has not disputed the fact that no fatal injury or any other specific injury is attributed to the petitioner. It will take considerable time for the trial to conclude.

7. In light of the above, this Court is of the view that no purpose is going to be served by detaining the petitioner in custody for any longer period. So, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing of bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.01.2024

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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No