

2024:PHHC:130944



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-43294-2024 (O&M)
Date of Decision: 01.10.2024

BHARAT BHUSHAN JOSHI ...Petitioner

VERSUS

STATE OF PUNJAB ...Respondents

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Yashpal Thakur, Advocate for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 439 of Cr.P.C.

seeking regular bail in FIR mentioned below:-

FIR No.	Date	Police Station	Sections
69	24.04.2024	Mandi Gobindgarh, District Fatehgarh- Sahib, Punjab	307, 34 of IPC and 25 of Arms Act

2. Prayer in this petition has been made by the petitioner for grant of pre arrest bail in case arising out of FIR No.69 dated 24.04.2024 registered under Sections 307 and 34 of IPC and Section 25 of Arms Act at Police Station Mandi Gobindgarh, Fatehgarh Sahib on the basis of statement recorded by the complainant- Sandeep Singh alleging therein that he had lent an amount of Rs.20,000/- to the petitioner Bharat Bhushan Joshi long back. The petitioner had to return the same but he had been putting off the matter on one pretext or other. On the same day i.e. on 24.04.2024, he had

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telephonically called the petitioner and asked him to give his money back. Then at about 5:15 pm, when he along with his brother Ramandeep Singh was going towards the market, the petitioner along with co-accused Gurpyar Singh alias Prince and Anupam reached there on a scooty. All of them grappled with the complainant and when his brother Ramandeep Singh tried to rescue him, the petitioner took out a pistol and fired with same with an intention to kill him. The complainant had jumped over his brother to save himself from the bullet which crossed by his right knee from his lower part but fortunately, did not hit any sensitive part of the body. On raising rescue alarm, several persons gathered there and all the assailants fled away. After registration of the FIR, investigation proceedings were initiated and are underway. The petitioner was arrested on 25.04.2024. He was interrogated and suffered disclosure statement admitting his involvement in the said crime and got recovered pistol .32 bore along with magazine containing 03 live rounds. Apart from this, 04 live rounds were recovered from the right pocket of the pant worn by him. After completion of investigation against him, challan was presented against the petitioner and presently he is facing trial for commission of the aforementioned offences. He had moved an application for grant of regular bail which was dismissed by the Court of learned Additional Sessions Judge, Fatehgarh Sahib vide order dated 16.07.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of fabricated story concocted by the complainant. The complainant did not receive any fire arm injury. No

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empty bullet shell was recovered from the spot. CCTV camera had been installed in the vicinity wherein the alleged occurrence had taken place. But the same had not been collected during investigation though they could bring real facts on record. The petitioner is suffering from mental disorder and has been undergoing treatment from Mind Care Hospital. He has a permanent abode. There are no chances of his absconding. The trial is likely to take time. No useful purpose would be served by detaining him in custody any more. He does not have criminal antecedents. The accused Gurpyar Singh @ Prince has been extended benefit of interim bail. On the ground of parity, the petitioner too deserves to be extended same benefit. Therefore, it is urged that he deserves to be released on bail.

4. Status report has been filed by respondent-State. It is submitted therein and learned State counsel has argued that there are serious allegations against the petitioner. Weapon which was used at the time of occurrence was recovered from him. The petitioner had fired a shot with pistol .32 bore at the complainant with an intent to kill him though the bullet did not hit body of the complainant, however, the intent on the part of the petitioner to make an attempt to commit murder of the victim was apparent. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner and State counsel at considerable length and have gone through the record.

6

The petitioner is alleged to have fired a shot with a fire arm

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upon the complainant on 24.04.2024. It is claimed by him that he is suffering from some mental disorder. However, no material on record has been produced to prove so. The shot fired by him at the complainant did not hit the latter as he somehow managed to escape. The investigation has since been completed. The trial is likely to take time. Keeping in view the period of incarceration of the petitioner and nature of the subject offences coupled with the facts that there is no basis for the contention that petitioner may intimidate the witnesses or might abscond and that he has no criminal antecedants, but without meaning to make any comments on the merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Additional Sessions Judge (Duty) concerned

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

01.10.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |