



CRM-M-46092-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-46092-2024

Date of decision: 21st November, 2024

Gurlal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. B.K. Mehta, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking regular bail in case bearing DDR No. 28 dated 19.05.2024 registered under Sections 307, 452, 324, 148 and 149 of IPC, 1860 and Sections 25 and 27 Arms Act, 1959 at Police Station Valtoha, District Tarn Taran.

2. As per the prosecution version on 19.05.2024, FIR No. 37 dated 19.05.2024 was registered under Sections 307, 148 read with Section 149 of IPC and Sections 25 and 27 of Arms Act, 1959 at Police Station Valtoha, District Tarn Taran, on the basis of statement recorded by Ranjit Singh, who had sustained firearm and other injuries. This complaint was lodged against Surjit Singh son of Balwinder Singh and others. On the same day, DDR No.



28 was entered on the basis of statement recorded by the complainant Balwinder Singh who too was admitted in the hospital and who stated that on 18.05.2024, he along with his son Surjit Singh was working in his Dairy, when the present petitioner along with Ranjit Singh (complainant of FIR No. 37) along with 10-12 unknown persons reached there in 2-3 vehicles. They were armed with deadly weapons and after entering inside his shop, they started hurling abuses to him. He alleged that the present petitioner had fired a shot with a 12 bore rifle thereby injuring his right thigh. Co-accused Ranjeet Singh had struck a blow with sword thereby amputating the little finger of his right hand. On rescue alarm being raised by complainant and his son, the petitioner and other assailants had fled away. After registration of DDR, investigation proceedings were initiated. The petitioner was arrested on 12.06.2024. Investigation has since been completed and challan has been presented in the Court of learned Illaqa Magistrate.

3. It is argued by learned counsel for the petitioner that he is in custody since long. His custodial interrogation is no more required. He has been falsely implicated in this case. Injuries on the person of complainant Balwinder Singh were not on vital part and not dangerous to life. Offence under Section 307 of IPC has not been made out against him. It is a case of version and cross-version. The petitioner and co-accused were not the aggressors rather it was the complainant party who was the aggressor. The petitioner does not have any criminal antecedents. There are no chances of his absconding. Therefore, it is urged that he deserves to be released on bail.

4. Status report has been filed by respondent-State. Learned State



counsel has argued that the allegations against the petitioner are serious as he caused a firearm injury to the victim Balwinder Singh. The injured had also sustained a grievous injury as his little finger of right hand had been amputated due to assault made by the co-accused Ranjeet. There are chances of petitioner's committing similar offences or absconding, if extended benefit of bail. Therefore, it is argued that the petition does not deserve to be allowed.

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

6. The petitioner along with the co-accused is alleged to have caused injuries to the complainant Balwinder Singh on 18.05.2024. A case bearing FIR No. 37 had been registered on the same day as on the day of registration of DDR, as against the members of the complainant party. Both the parties have sustained firearm injuries. The question as to who was the aggressor has to be adjudicated upon thorough assessment and evaluation of the evidence to be produced during trial. The investigation stands completed. Challan has been presented. No useful purpose would be served by detaining the petitioner in custody anymore. It is well settled proposition of law that the bail is a rule and jail is an exception. In view of the discussion as made above but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the



Chief Judicial Magistrate/ Duty Magistrate concerned.

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

[MANISHA BATRA]
JUDGE

21st November, 2024

Parveen Sharma

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