

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M-51831 of 2023(O&M)
Date of Decision: 20.02.2024

Sahil Sehdev

...Petitioner

Versus

State of Punjab

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Sanjay Gupta, Advocate
For the petitioner.

Mr. I.S. Ladher, DAG Punjab.

KARAMJIT SINGH, J.

1. The present petition has been filed by the petitioner seeking grant of regular bail in criminal case having FIR No. 46 dated 11.06.2022, registered under Sections 323, 307, 341 and 506 IPC and Sections 25 and 27 of Arms Act at Police Station Ghardiwala, out of which Section 27 of Arms Act was deleted lateron.

2. The allegations in nutshell are that at the time of occurrence on 10.06.2022 complainant Kushal Kumar and Abhishek were going on their motor cycle and when they reached near Nirankari Bhawan, they were intercepted by petitioner and Rakesh Singh and Rakesh Singh started abusing the complainant and then petitioner took out his pistol and fired shot but due to darkness it did not hit the complainant. Then Rakesh Singh took out his pistol and fired shot which hit on the left foot of Abhishek. Even the second shot fired by petitioner did not hit anyone and thereafter the accused persons fled from there and injured Abhishek was taken to hospital. During investigation the petitioner was arrested.

3. The counsel for the petitioner submits that the petitioner is in custody for the last more than 10 months and is having no criminal history. It is further submitted that no injury is attributed to the petitioner who is presently lodged in judicial custody and during investigation no incriminating article was recovered from his possession. The counsel for the petitioner further submits that it will take time for the trial to conclude. So, prayer is made that petitioner be released on regular bail.

4. The present petition is resisted by the State counsel who submits that co-accused Rakesh Singh caused fire arm injury to Abhishek while two shots fired by the petitioner missed the target. However, the State counsel has not disputed the fact that the petitioner was arrested on 20.04.2023 and during investigation no weapon was recovered at the instance of the petitioner and that petitioner is having no criminal antecedents and that the trial is at its initial stage.

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

6. Apparently, it appears that no injury has been attributed to the petitioner who is behind the bars for last more than 10 months and is not involved in any other criminal case. During investigation, no fire arm or any other weapon was recovered from possession of the petitioner. The trial is not progressing ahead as till date only 02 witnesses are examined out of total 20 witnesses on behalf of the prosecution and thus, it will take time for the trial to conclude. In the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.

7. In light of the above, 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.

20.02.2024
Jiten

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No