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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-53047-2023 (O&M)
Date of decision : 27.02.2024

TEHAL SINGH ALIAS TAHIL SINGHPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Tushar Sharma, Advocate
for the petitioner.

Mr. J.S. Arora, DAG, Punjab with ASI Balwant Singh.

Mr. Rajat Dogra, Advocate
for the complainant.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.0155 dated 09.09.2022 registered for the offences punishable under Section 307, 336, 506, 323, 148, 149 of the Indian Penal Code, 1860 and Sections 25 & 27 of Arms Act, 1959 at Police Station Makhu, District Ferozepur.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. FIR was registered on the information received from Mukhtiar Singh. Allegation against the petitioner is of having fired bullet from his gun towards Harpreet which struck on his right leg.

4. Counsel for the petitioner submits that all the injuries on the person of Harpreet Singh have been opined to be simple in nature. Challan already stands presented. Investigation is complete and even if the allegations are taken on its face value it is the petitioner who has been alleged to have fired on the leg of the victim thus it will be debatable whether offence under Section 307 IPC will be made out or not?

5. As per custody certificate, the petitioner has undergone 1 year, 5 months and 17 days. The petitioner is 63 year old man having no other criminal antecedents.

6. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record.

7. Counsel for the complainant vehemently opposed the bail plea of the petitioner.

8. I have heard counsel for the parties and have gone through records of the case.

9. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/

surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11. Pending application, if any, shall also stand disposed off.

February 27, 2024		(Pankaj Jain)
Dpr		Judge
	Whether speaking/reasoned	: Yes/No
	Whether reportable	: Yes/No