



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

CRM-M-54596-2024
Date of Decision: 26.11.2024

GURWINDER SINGH ALIAS DOLLU ... PETITIONER

VS.

STATE OF PUNJAB & ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vaibhav Narang, Advocate
 for the petitioner.

 Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.10 dated 02.02.2024, under Sections 307/379B(2)/148/149 IPC, 1860 (Section 34 IPC, has been added later on) and under Sections 25/27/54 of the Arms Act registered at P.S. Cantonment, District Police Commissionerate Amritsar.
2. The case as set up by the prosecution in the FIR (supra) is that one Daksh Kaushal complainant/respondent No.2 has suffered gun shot injury, at the hand of one Danish Kumar, son of Gobind. The petitioner and other co-accused were part of an unlawful assembly, when Danish Kumar was suffered gun shot injury. The relevant extract of the statement made by

Daksh Kaushal which became the bedrock for registration of FIR (supra), which reads as under:-

“Statement of Daksh Kaushal son of Kishan Kumar resident of Riyasat Avenue Kale Road near Janjghar Chheharta, Amritsar, aged around 18 years, mobile no. 9872623527 made a statement that I am resident of above said address and I studies in Khalsa college Sr. Secondary School Amritsar in +1. That yesterday on 01.02.2024 I and my friend Karanjit Singh alias Karan son of Kuldeep Singh resident of Ghanpur near Mata Rani Mandir Chheharta Amritsar started from our house on Motorcycle no. PB 02 EJ 7463 Splendor were going to buy clothes from Khalsa college wali Gali Nikka Singh colony. When at around 8.40 PM we reached near Mussa collection Gali Nikka Singh colony then Prince alias Boxer son of Pawan Kumar resident of Ghanpur Kale Amritsar, Danish Kumar son of Gobind resident of Dashmesh Nagar Kot Khalsa Amritsar along with Sumit Sharma resident of Bhalla Colony Chheharta, Gurwinder Singh alias Dollu resident of village Kale Chheharta Amritsar along with 4/5 unidentified persons on their motorcycles came, prince alias boxer parked his motorcycle Yamha without number in front of my motorcycle, i left my motorcycle and ran inside the shop then Prince alias Boxer told person sitting at the rear seat of his motorcycle namely Danish Kumar to fire a gun shot upon me then Danish with the pistol held in his hand fired a direct gunshot with an intention to kill me towards me which hit little above right ankle then myself and my friend Karanjit Singh alias Karan raised noise help help then all the above said persons on their motorcycles along with their weapons ran away from the spot and while going they have snatched my motorcycle no. PB 02 EJ 7463 Splendor and I can identify 4/5 unidentified persons came with them then my friend Karanjit Singh alias Karan and other persons arranged for vehicle and after obtaining docait from police station got me admitted at Civil Hospital where Doctor has referred me to Guru Nanak Dev Hospital, Amritsar where I am under treatment. The motive behind the occurrence is that prince alias boxer almost one year ago use to harass my sister Muskan and I use to stop him from doing so. Due to this today Prince alias Boxer with his accomplice Danish Kumar, Sumit Sharma, Gurwinder Singh

alias Dollu and 4/5 unidentified persons came with an intention to kill me and injured me with a gun shot.”

3. In the instant case, the present petitioner was already behind the bar, in one case bearing FIR No. 224 dated 27.12.2023 under Sections 307/506/34 IPC, and under Sections 25/27 of the Arms Act, registered at Police Station Kambo, Amritsar Rural. Subsequently, he was brought on production warrant, and was arrested in the instant case on dated 25.06.2024. During investigation, present petitioner made a disclosure statement before the Investigating Officer concerned, that he alongwith co-accused Sumit Sharma, and other co-accused Danish and Prince, were going on their motorcycle, and when they approached Nikka Singh colony, then complainant Daksh, was seen going towards Chheharat Cantt side, on seeing the complainant, Prince (Boxer) chased him and stopped the complainant. Daksh (complainant) in order to save himself runs towards some shop, then co-accused Danish fired shot at him, which hit on his foot, and furthermore, Danish snatched motorcycle from Daksh and thereafter, they all fled away from the spot with the snatched motorcycle of the complainant.

4. Learned counsel for the petitioner submits that there is no allegation against the petitioner, to the effect that he caused any injury to the complainant/victim, or snatched the motorcycle of the complainant. He further submits that trial is yet to began. Finally, he placed reliance upon the compromise (Annexure P-2), as effected between the present petitioner and the complainant.

5. Learned State counsel opposed the prayer for grant of regular bail to the petitioner, and files a short reply by way of affidavit of

which is taken on record. Copy of the same is also supplied to the learned counsel for the petitioner. He further informs this Court on instructions imparted to him from Investigation Officer concerned, that final report in the instant case was filed on dated 29.06.2024, but the charges have not been framed yet, and in the final report, prosecution cited total 25 witnesses.

6. This Court has considered the rival submissions made by learned counsel for the parties concerned, and is of the concerned view that the instant petition is amenable to be allowed for the reasons mentioned hereinafter,

(1) that the compromise has been effected between the parties concerned;

(2) no injuries are attributed to the present petitioner

(3) the petitioner is behind the bar since 24.07.2024 and the trial is yet to began.

7. Thats why this Court can safely conclude the trial. The conclusion of trial is likely to take some time and his further judicial custody in the instant case is totally unwarranted.

8. Considering the allegations against the petitioner and the incarceration suffered by the present petitioner, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

26.11.2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No