

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-58830-2024
Date of Decision : November 29, 2024

MAHI GILL

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Manuj Naghrath, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner prays for grant of regular bail in case FIR No.88 dated 8.7.2024, Under Sections 109, 3(5), 61(2) of BNS, 2023 and under Sections 25/27 of the Arms Act, registered at Police Station Dugri, Ludhiana.
2. The fact of the matter, which required consideration is that the complainant, namely, Lal Chand @ Gopi got registered FIR (supra) on the allegations that on 7.7.2024, when he was at home due to holiday. At about 11.48 pm, when he was roaming in the verandah of the house, then one motorcycle came outside his house riding by some unknown person and he started firing towards him, with an intention to kill him. He gave information about the said incident to the police and started watching the CCTV footage

installed in his house and came to know that he was attacked by one Sagar @ Newton son of Jassa, who is giving threat to him and his family by coming live on Instagram. On the basis of the above allegations, the instant FIR was registered. During investigation, supplementary statement of the complainant was also got recorded. In his supplementary statement, he mentioned that the petitioner is one of the persons, who was driving the motorcycle, while committing the instant crime.

3. Learned counsel for the petitioner in the asking for the relief (supra), submits that the petitioner is neither named in the FIR, nor any specific role has been attributed to him. He further submits that it is a case of no injury, as no one has suffered any injury. He also submits that the petitioner has suffered incarceration of more than 3 months as on today. Finally, he submits that though the petitioner is involved in two other cases, however, in one of them, he has already been extended the relief of regular bail by the learned trial Court concerned.

4. Per contra, the learned State counsel has opposed the grant of regular bail to the petitioner. He submits that the petitioner is a hired shooter, and is a man of criminal history, therefore, he does not deserve the concession of regular bail.

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

i) The petitioner is neither named in the FIR, nor any specific role has been attributed to him;



ii) It is a case of no injury, as no one has suffered any injury in the instant matter;

iii) The petitioner has suffered incarceration of 3 months and 21 days as on today;

iv) In this case only final report has been filed by the prosecution after completion of investigation on 30.9.2024 and the charges are yet to be framed and the prosecution has cited total 15 witnesses.

6. In view of the above facts and circumstances, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. It is made clear that in case in future the petitioner is found involved in similar kind of offences, the State is at liberty to seek cancellation of bail by making apt motion.

9. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

November 29, 2024
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(KULDEEP TIWARI)
JUDGE

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