

CRM-M-63719-2023

[1]

2024:PHHC:000526

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-63719-2023

Date of decision : 05.01.2024

Gursewak Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present : Mr. Preetwinder Singh Dhaliwal, Advocate
for the petitioner.

Mr. Jateshwar S. Bhandari, AAG, Punjab.

Mr. A.S. Manaise, Advocate
for the complainant.

HARKESH MANUJA.J. (ORAL)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No. 0075 dated 18.09.2023 registered under Sections 307, 452 and 34 of IPC and Section 25 (Act No.54) of the Arms Act 1959 and (Sections 473, 148) 149 of IPC were added later on at Police Station Kalanaur, District Gudaspur, wherein the petitioner has been implicated on the basis of disclosure statement made by the co-accused namely Pragat Singh for allegedly having conspired to cause gun shot injuries to the victim-complainant Harpreet Singh.

2. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that the petitioner was having motive to commit the offence as there was a matrimonial dispute between the parties. The victim is brother of father-in-law of the petitioner and the petitioner intended to cause injuries to his father-in-law namely Harpreet Singh, however, inadvertently the claimant got gun shot injuries. Learned State counsel on instructions from SI Gurmukh Singh, submits that the investigation already stands concluded and the challan is going to be presented before the Illaqa Magistrate within a week only.

3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

4. The petitioner has already undergone incarceration of about 1 month and 20 days. The petitioners implication is primarily based on disclosure statement made by his employee namely Pragat Singh besides electronic evidence which shall be appreciated at the time of trial.

4. Considering the fact that the investigation in the present case, already stands concluded; challan is going to be presented and trial is likely to take some time, besides it, the petitioner is already behind the bars for the last almost 1 month and 20 days, I do not find any reason to extend the incarceration of the petitioner any further.

5. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty

Magistrate.

6. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

(HARKESH MANUJA)
JUDGE

05.01.2024
monika

Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No