

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

**CRM-M No. 63929 of 2023 (O&M)
Date of Decision: 25.01.2024**

Gurwinder Singh alias Gindu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

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

Mr. Gurlal Singh Dhillon, Assistant Advocate General, Punjab

Mr. Akun Sheemar, Advocate, for the complainant.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case FIR No. 119, dated 24.08.2023, under Sections 307, 341, 506 of IPC and Sections 25 & 27 of Arms Act (Section 380 of IPC added while Sections 25 & 27 of Arms Act deleted during the investigation vide DDR No. 26 dated 17.10.2023), registered at Police Station Chattiwind, District Amritsar Rural, wherein the petitioner has been implicated on the basis of having fired shot at the back of the brother of the complainant..

[2] On the other hand, learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner, while submitting that there have been fire arm injuries upon the person of the victim and the custody of the petitioner is only four months and five days.

[3] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[4] In the present case, the petitioner is in custody since 21.09.2023 and investigation already stands concluded with the filing of challan. The present is a case of version and cross-version, wherein the allegations of the petitioner side have been recorded vide DDR No. 31 dated 19.10.2023 (Annexure P-2) and thus the party which initiated the occurrence is yet to be ascertained. Moreover, a settlement has also been arrived at between the two factions and in this regard, affidavits have also been placed on record as Annexures P-3 & P-4, which relate to complainant as well as the injured, duly executed before the Executive Magistrate and have also been admitted by the counsel representing the complainant.

[5] Considering the totality of the circumstances besides the investigation has also been concluded with the filing of challan and the petitioner is behind the bars for the last four months and five days, this Court does not deem it proper to extend the incarceration of the petitioner.

[6] In view of the above, but without commenting upon merits of the present petition, the same is allowed. The petitioner is ordered to be released on bail subject to his furnishing adequate bail bonds / **heavy surety bonds** to the satisfaction of the Trial Court/Illaqa Magistrate/Duty Magistrate concerned.

[7] However, in case the petitioner indulges himself in similar kind of activity, the prosecution shall be at liberty to seek cancellation of the bail granted in favour of the petitioner in the present case.

January 25, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No