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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7557-2025 (O&M)

Date of Decision:21.05.2025

GURWINDER SINGH @ GAGAN

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rajiv Kumar Saini, Advocate for the petitioner.

Mr. T.P.S. Walia, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, 'the BNSS'), for grant of bail pending trial to the petitioner in FIR No.124 dated 07.12.2024, under Sections 109, 324(4), 61(2) of Bharatiya Nyaya Sanhita, 2023, (for short 'BNS') and Section 25 and 27 of Arms Act, 1959, registered at Police Station Fatehgarh Churian, District Batala.

2. Custody Certificate dated 20.05.2025 *qua* petitioner has been produced. The same is taken on record. Copy thereof supplied to the opposite side.

Registry to do the needful.

3. Allegations are that petitioner in criminal conspiracy with other co-accused fired gunshots towards complainant party with intention to kill them.

4. Contends that this is a no injury case; petitioner is in custody since 09.12.2024; after investigation, final report under Section 173 of Code of Criminal Procedure, 1973 (*for short* 'Cr.P.C. ') has already been presented before the Court of competent jurisdiction; but charges are yet to be considered.

5. Learned State counsel, on instructions, has duly acknowledged the above factual position; however, opposed the prayer while submitting that allegations are serious in nature.

6. Heard learned counsel both sides and perused the paper-book.

7. It transpires that petitioner is in custody since 09.12.2024; after investigation, final report under Section 173 of Cr.P.C. was presented, but charges



are yet to be considered; therefore, conclusion of trial may take sufficient long time. Moreover, it is a no injury case and there is no objection raised by State that in case, petitioner is released on bail, he may influence the witnesses or hamper the course of trial, in any manner; thus, further incarceration of the petitioner would not serve any purpose.

8. Consequently, present petition is allowed; petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with learned trial Court without seeking any unnecessary adjournment(s).

10. The above observations may not be construed as an expression of opinion on the merits of the case.

11. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

(MAHABIR SINGH SINDHU)
JUDGE

21.05.2025

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*