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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M- 33628-2024
Date of decision:-08.04.2025

GURLAL SINGH ALIAS GURLAL
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. V.K. Kaushal , Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed reply by way of affidavit dated 07.04.2025 of Deputy Superintendent of Police, Sub-Division Khadur Sahib, Camp at Goindwal Sahib, District Tarn Taran, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case(Annexure P-1):-

FIR No.	Dated	Sections	Police Station
30	14.03.2024	307, 384, 506, 34 IPC and 25, 27 of Arms Act	Sadar Tarn Taran, District Tarn Taran

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He



has no concern whatsoever with the alleged occurrence. The petitioner has been nominated on the alleged supplementary statement of the complainant which was recorded after 45 days of the lodging of the FIR, without there being any explanation of such delay and how the complainant came to know about the name of the petitioner. He contends that no specific overt act is attributed to the petitioner and during course of trial, the complainant Jasbir Singh has since been examined as PW1 who has not identified the petitioner and turned hostile. He contends that similarly situated co-accused Navraj Singh Alias Nav has already been granted concession of regular bail by this Court, vide order dated 05.02.2025 (Annexure P-3) passed in CRM-M-37442-2024. He contends that the petitioner is in custody since 29.04.2024, and after completion of investigation, challan has already been presented in Court and the conclusion thereof, will take long time, hence prayed for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel while referring to the short reply filed by the State submits that the petitioner alongwith co-accused had fired shots on the complainant with intent to kill him, however, the complainant managed to save his life. He contends that the petitioner has been specifically named by the complainant in the supplementary statement and as such he is not entitled to concession of bail.

5. Heard learned counsel for the parties and perused the record.

6. After considering the rival contentions and perusing the record, it transpires that the FIR was registered on the complaint made by Jasbir Singh that on 27.02.2024, he received a WhatsApp call demanding ransom



and again received another call after a few days to which he did not pay any heed. However, on 14.03.2024 at about 12:55 PM, when he was sitting in his shop, two persons with muffled faces riding a motorcycle came there and started firing shots towards the complainant. The complainant laid down on the floor, as a result of which, he got saved. After the registration of the FIR on 14.03.2024, the complainant suffered a supplementary statement on 29.04.2024, naming the petitioner as one of the accused. The petitioner was arrested on the very same day and since then he is in custody. After the completion of investigation, challan has been presented in the Court and during the course of trial, the complainant appeared as PW-1 and has categorically stated that the accused produced through V.C. in Court are not the persons who had fired shots upon him. He has even gone to the extent that he has seen the accused produced in Court for the first time and had never given any statement against them. It has been submitted by learned State counsel that the complainant happens to be the only material witness to the occurrence and so far as the identification of the petitioner is concerned, the complainant has turned hostile. As stated above, out of 11 witnesses cited by the prosecution, only one has been examined till date, and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In these circumstances, no purpose would be served by detaining the petitioner any longer. It is not disputed that the case of the petitioner is at par with co-accused Navraj Singh alias Nav who has since been granted concession of bail by this Court, vide order dated 05.02.2025 (Annexure P-3)

passed in CRM-M-37442-2024.

7. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.
8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

08.04.2025
Gyan

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |