



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

221

CRM-M-36002-2024

Date of decision: 14.01.2025

Puneet Bains @ Mani

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Harpreet S. Multani, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Amarbir Singh Salar, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.260 dated 09.10.2019 under Sections 307, 323, 506, 148 and 149 of the IPC and Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Moti Nagar, Ludhiana.

2. Learned counsel for the petitioner submits that a perusal of the FIR which has been annexed as Annexure P-1 reveals that although the petitioner has been named therein but no specific role or injury has been attributed to him in the occurrence in question; rather as per the case of the prosecution itself, the petitioner at the relevant time was unarmed. It has been further contended that the petitioner has now been in custody since 27.07.2023 and the possibility of the trial concluding



CRM-M-36002-2024

in the near future does not arise in view of the fact that only 01 prosecution witness out of the 25 cited, has been examined till date.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has reiterated the allegations levelled in the FIR in question which stands reproduced hereinunder:-

“Statement of Gurpreet Singh alias Goldie son of Kalwant singh, Resident of House No. 6870, Street No. 2, PreetNagar, Tibba Road, Ludhiana aged about 21 years Mob. No. 77079-55208. Stated that I am the resident of the said address and I do DJ work in the name of Goldie DJ. On 8.10.19 in a Ladies Sangeet program my DJ was played near Macchi Talab 33 Ft. Road, Jamalpur, Ludhiana and due to lack of food arrangement in the program, after the program, I started loading my DJ in Chhota Hathi and along with my labour boys went to Shankar Dhaba Transport Ludhiana at around 11:45 PM, where the lights of the dhaba were switched off and I saw some people sitting inside the dhaba and I went to the dhaba. I went to the place where the dhaba owner told me that 'dhaba is closed', to which I said 'kindly feed us two chapaties (Sanu vi 2-2 rotia Khawa Do) where else can we go at this time?'. Then I along with my boys entered inside the dhaba. There was an vacant table, we sat there, but the people sitting behind me were arguing and quarreling among themselves, then among the people sitting in front of me, there was a boy, Laveen, who I knew, and I shake hands with him. The boys among the 7-8 people who were sitting quarreled and fell on my labour boys, to whom I told them not to do this, and after that, they yelled at me, one of them started slapping me. My acquaintance boy Laveen came forward to rescue me, then they also got into a scuffle with Laveen, then these 7-8 boys started beating me and Laveen and the boy who slapped me first they called him as Krishan. So this Krishan said the other boy's name as Baroti and started saying that 'Baroti come here today teach them who we are' and both of them went out to the dhaba and at the same time they came inside the dhaba and as soon as they came Krishan and Baroti armed with pistol/revolver they fired on us with the intention of killing us, one fire hit my finger of left hand and another shot hit my right back and I fell down and one fire hit on right arm's bicep of above said Laveen and a fire hit Laveen's friend Gaurav's right hand, so we all screamed



CRM-M-36002-2024

"Marta Marta" and Krishan and Baroti threatened to kill us along with their friends and went outside with their weapons and fired shots and they ran away from the spot in their own vehicle, then we called and informed our family, who came and got us admitted at CMC Hospital, Ludhiana for treatment, where we were undergoing treatment. The full names and addresses of Krishan @ Laddu s/o Mickey Sahni, resident of Daresi, Ludhiana and Manpreet Singh @ Barati s/o Jaswant Singh @ Rimpi, resident near Kutia Sahib Gurdwara, Jamalpur, Ludhiana and the names of their two accomplices are Anil Kumar s/o Jamatra Pachar, resident of EWS Colony and Punit Bais @ Mani son of Raj Kumar, resident of Labor Colony, near Mandir Janakpuri, Ludhiana, and I can identify the 3-4 other unknown when they came in front of me. The rivalry is that Krishan and others were fighting, who fell on my labor, to whom I stopped then Krishan started slapping me and when my acquaintance Laveen came forward to rescue me, all these persons assaulted us and then Krishan and Barati fired at us with their weapons with the intention of killing us. I have scribed my statement to you, heard and read over and is correct. Strict legal action should be taken against the alleged accused. Sd/- Gurpreet Singh Goldie, Attested by:- Dhanwant Singh ASI Police Station Moti Nagar Ludhiana Dated 9-10-19."

4. However, on instructions, learned State counsel has not been able to dispute the factual aspect of the role attributed to the petitioner in the alleged occurrence. Learned State counsel has, however, submitted that earlier the petitioner was granted the concession of bail on 13.01.2022 by this Court vide Annexure P-2, but the petitioner had absented himself during trial and could be arrested only on 27.07.2023. It has also been submitted that the petitioner is facing trial in 10 other criminal cases.

5. Learned counsel for the complainant, who has entered appearance, has however, been candid enough to concede that although the petitioner was part of the unlawful assembly, however, he had



CRM-M-36002-2024

neither inflicted any injury on the person of the complainant party nor was he one of those persons, who had fired in the air.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. A perusal of the FIR which stands reproduced hereinabove reveals that no specific injury or role has been attributed to the petitioner although he has been shown to be part of the unlawful assembly. Trial would take considerable time to conclude as 24 witnesses still remain to be examined. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

14.01.2025

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(MANJARI NEHRU KAUL)
JUDGE

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