



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

254

CRM-M-62530-2024 (O&M)
Date of Decision:- 14.05.2025

GURMINDER SINGH

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
299	14.12.2022	302, 307, 34 IPC; 27 of the Arms Act	Chhachhrauli, District Yamuna Nagar

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner, aged 62 years, having no criminal antecedents, has been falsely implicated in this case without any rhyme or reason. He contends that even as per the allegations levelled by the prosecution, no specific overt act is attributed to the petitioner in the alleged crime, except for being present at the spot, as the gunshot injury is attributed to co- accused Jarnail Singh. He



submits that the petitioner is in custody since 16.12.2022 and challan has already been presented in Court. He submits that the conclusion of trial will take sufficient long time. Thus prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while relying upon the reply filed by the State has opposed the petition on the ground that the petitioner is involved in a heinous crime. However, on a query, he has not disputed the fact that no specific overt act is attributed to the petitioner in the alleged occurrence and the gunshot injury is attributed to co- accused Jarnail Singh.

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

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution, the petitioner had accompanied co-accused Jarnail Singh in asking deceased Mustkim to stop harvesting. In the meanwhile, co-accused Jarnail Singh took out a pistol from his pocket and fired a gunshot on the right arm of the complainant and chest of Mustkim, as a result of which he died. Thereafter, FIR was registered and the petitioner was arrested on 16.12.2022, and since then he is in custody. A perusal of record would reveal that except for being named in the FIR to have accompanied the co-accused Jarnail Singh to the spot, no specific overt act is attributed to the petitioner in the alleged occurrence. Even the perusal of post-mortem report of the deceased and medico legal report of the injured would show that except for the gunshot injury, no other injury was caused. The alleged gunshot injury is attributed to co-accused Jarnail Singh and not the present petitioner. As stated above, the petitioner is



aged 62 years and has no criminal antecedents nor any specific overt act is attributed to him in the alleged occurrence. The prosecution has cited 22 witnesses and only 11 witnesses have been examined till date. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate 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.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

14.05.2025
S.Sharma(syr)

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