

**CRM-M-63316 of 2024** **1**

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

307**CRM-M-63316 of 2024****DATE OF DECISION :- 06.02.2025****Gurjit Singh @ Sahba****...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Robindeep Singh Bhullar, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Jasjeet Singh Brar, Advocate for the complainant.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of regular bail to the petitioner in FIR No. 74 dated 25.06.2024, registered under Sections 307, 506 of IPC & Sections 25, 27 of the Arms Act at Police Station Zira, District Ferozepur.

2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR has been registered on the basis of statement recorded by the complainant Jasvir Singh on the allegations that on 22.06.2024, the present petitioner had visited the shop and had demanded a switch for Air Conditioner. A verbal altercation had taken place between them as the complainant has insisted for cash payment for purchase of that switch. The petitioner had left the shop but after some time he again reached there and while hurling abuses to the complainant, took out a revolver and fired a shot towards the complainant with an intent to kill him thereby injuring his left leg and thereafter he fled from the



spot. The complainant had suffered two fire arm injuries and was rushed to the spot. During the course of investigation, offences under Section 201 of IPC and Section 25 of the Arms Act were added. The petitioner was arrested on 17.08.2024. The fire arm used by him with its license had been recovered from him. Investigation stands completed.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The prosecution version is highly improbable and unnatural as the injury had allegedly been sustained by the complainant on the calf muscle of left leg and if the petitioner actually intended to kill the complainant, such injury could not have been inflicted. The custodial interrogation of the petitioner is no more required. Challan stands presented. Trial is likely to take time. The petitioner is in custody since long. The matter has even otherwise been compromised between the parties and the complainant had sworn an affidavit (Annexure P-2) in his favour. His further incarceration would even otherwise would not serve any useful purpose, therefore, it is urged that the petitioner deserves to be extended the benefit of bail.

4. The complainant has filed reply affirming the fact that a compromise had been arrived at between the petitioner and himself. It is also submitted that he does not have any objection if petitioner is extended the concession of bail.

5. The respondent State, however, has vehemently resisted the claim of the petitioner in its status report.

6. Learned Assistant Advocate General, Punjab has argued that allegations against the petitioner are serious in nature. The petitioner had caused a fire arm injury upon the complainant, obviously with an intend to kill him. The fact that the parties have compromised with each other cannot be taken into consideration at this stage. Accordingly, it is urged that the petition does not deserve to be allowed.



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7. I have heard learned counsel for the parties at considerable length and have perused the material placed on record.

8. The petitioner is alleged to have made an attempt to kill the complainant by firing a shot with his licensed gun upon him. The petitioner is in custody since 17.08.2024. The injury suffered by the complainant was on non-vital part. The investigation has been concluded. Trial is likely to take time. Though, at this stage, no relevance can be given to the fact that a compromise has been arrived at between the parties, however, keeping in view the period of incarceration of the petitioner, the fact that the trial will take time, no useful purpose would be served by keeping the petitioner in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

06.02.2025
p.singh

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>