

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

CRM-M No.58585 of 2022

Date of decision: 31st August, 2023

Gursahib Singh @ Sukhraj Singh @ Sabi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0197 dated 17.11.2021 under Sections 302, 307, 148, 149 IPC and Sections 25/27 of the Arms Act, 1959 (Section 120-B IPC added later on) registered at Police Station City Patti, District Tarn Taran.

2. Learned counsel for the petitioner inter alia contends that a perusal of the FIR, which has been annexed as Annexure P-1, reveals that no injury much less fatal had been attributed to the petitioner in the occurrence in question. He submits that admittedly there was a monetary dispute between the uncle of the petitioner and Lakhbir Singh, however, there were no allegations levelled in the FIR that the co-accused had fired at the two deceased on his instigation. Learned counsel has also drawn

the attention of this Court to the deposition of the alleged eye-witnesses PW-1 Sewa Singh, PW-2 Dalbir Singh and PW-3 Surjit Singh alias Mani, which have been filed today in the Court and taken on record subject to all just exceptions, wherein also it stands reflected that no injury much less fatal has been attributed to the petitioner, nor has any allegation been levelled against him that he had instigated or co-accused to fire at the two deceased Anmolpreet Singh and Jagjit Singh alias Manna. Learned counsel submits that the petitioner has now been in custody since 26.06.2022 and only three prosecution witnesses out of the 31 cited stand examined. He submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose, more so, when all the three material witnesses/eye witnesses stand examined.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Jarnail Singh, has not disputed that the petitioner has not been attributed any injury, much less fatal, on the person of the two deceased. However, he submits that there was a monetary dispute between the uncle of the petitioner with Lakhbir Singh and it was the petitioner himself who had telephoned Lakhbir Singh to come to the grain market, and thereafter, the alleged occurrence took place.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioner has now been in custody for more than 1 year and 2 months, having been arrested on 26.06.2022. All the three material

witnesses, which include the complainant as well as the eye witnesses, stand examined. The trial would take considerable time to conclude as 28 prosecution witnesses still remain to be examined. In the facts and circumstances, as enumerated hereinabove and no injury much less fatal being attributed to the petitioner, this Court, thus, deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

August 31, 2023

rps

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