



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

246

**CRM-M-60813-2023 (O&M)
Date of Decision:- 11.03.2025**

DAVINDER SINGH @ HAPPY BRAR

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
9	14.01.2023	307 and 34 IPC; 25 and 27 Arms Act; (384 and 120-B IPC added later on)	Talwandi Sabo, District Bathinda

2. 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 contends that the petitioner is not named in the FIR and has been nominated in the supplementary statement made by the injured. He submits that as per



the allegations, the petitioner had accompanied the main accused Binnu although it is manifestly wrong, as the petitioner never participated in the occurrence nor any injury has been attributed to him. He further submits that after the completion of investigation, challan has been presented in Court and the conclusion of trial will take sufficient long time and the petitioner is in custody since 19.01.2023 and facing unwarranted incarceration. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by the State has opposed the petition on the ground that the petitioner had actively participated in the occurrence being the member of unlawful assembly. However, on a query, he has not disputed that no injury has been attributed to the petitioner in the said occurrence.

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

5. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the statement of one Chiman Lal stating that his son Dinesh Bansal, was running a Nursing Home and on 20.03.2023 at about 07:30 PM, he was present in the hospital and his son was in the OPD and saw two persons grappling his son and in the meantime, one person took out a pistol and fired upon Dinesh Bansal with intent to kill him. The said shot hit on the left leg of his son Dinesh Bansal and thereafter they both ran away from the spot. During the course of investigation, the petitioner was nominated in the supplementary statement of the injured and accordingly the petitioner was arrested on 19.01.2023.

6. Admittedly, after the completion of investigation, challan has



been presented in Court and the prosecution has cited 27 witnesses but none has been examined till date. It is also not disputed that no injury has been attributed to the petitioner in the alleged occurrence. 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.

7. 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.

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

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

(SANJIV BERRY)
JUDGE

11.03.2025

S.Sharma(syr)

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