

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
212**

CRM-M-12982-2018

Date of decision:03.04.2018

Neeraj Kumar

...PETITIONER

Vs.

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Jaswinder Singh Grewal, Advocate,
for the petitioner.

Mr. Kuldeep Singh, Sr. Deputy Advocate General, Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail in FIR No. 119 dated 13.07.2017 under Sections 307, 148, 149, 506 IPC and Sections 25/54/59 of Arms Act (Charge framed under Section 307, 506 IPC and Section 25 of Arms Act) registered at Police Station City Rupnagar, District Rupnagar.

It is the contention of the learned counsel for the petitioner that no direct role has been attributed to the petitioner except the *lalkara* to Chanpreet Singh @ Chan-the complainant. The co-accused fired with his weapon which hit the complainant on his right hand. He ran away from the spot, at which the petitioner-Neeraj and Preety followed him and Preety again fired upon the complainant on two occasions. They, thereafter, escaped from the spot. He contends that the petitioner was arrested on 18.07.2017 and since then, he is in custody. The challan has been presented

and the charge has also been framed on 10.11.2017 but till date, no witness has been examined out of 18 witnesses cited by the prosecution. The trial is not likely to conclude soon and, therefore, the petitioner be granted the concession of bail.

On the other hand, counsel for the State, on instructions from ASI Raghbir Singh, submits that the petitioner is the person who had instigated the co-accused to fire upon the complainant. Not only this, the petitioner had followed him along with the co-accused who had fired repeatedly on the complainant but unfortunately for her, none of the bullet fire by the co-accused Preety hit the complainant except for the one on the right arm. He submits that there has been earlier rivalry between the complainant and the petitioner and, therefore, the motive is apparent and, thus, the petitioner could not be granted the concession of bail. He, however, could not dispute the fact that after framing of charge, till date, no witness has been examined by the prosecution.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner is in custody since 18.07.2017 and no direct role has been attributed to the petitioner except the *lalkara* and chasing the complainant, the trial is not likely to conclude soon as none of the witnesses has been examined out of 18 witnesses cited, the present application is allowed. The petitioner is directed to be released on bail to the satisfaction of the trial Court.

April 03, 2018
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No