

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

CRM-M-28885-2019

Date of decision-19.09.2019

Ajay Kumar @ Mithu

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Arora, Advocate for the petitioner.

Mr. Hittan Nehra, Addl.AG, Punjab assisted by
ASI Narinder.

MANOJ BAJAJ, J.

Petitioner-Ajay Kumar @ Mithu has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.53 dated 22.07.2012 registered under Section 307 of Indian Penal Code, 1860 and Sections 25 and 27 of Arms Act at Police Station Khilchian, District Amritsar Rural. Petitioner is in custody since his arrest on 27.03.2019.

The FIR was registered on the statement of Mandeep Singh @ Manna son of Yadwinder Singh wherein it was alleged that on 21.07.2012 a dispute arose between complainant and Saffi son of Narinder Singh. When complainant along with his friends was going to Rurki in Tavera car bearing No.HR-16-F-2460, then two cars followed them. When they reached near bus stand Machhal, then the occupants of those two cars fired gun shot towards complainant's car which hit the right arm of the complainant. Later on he came to know that Saffi fired shot on the complainant and at that time, he was accompanied with Mithu, Kinda, Angrej, Mintu, Shankar and Happy.

Learned counsel for the petitioner contends that the petitioner was earlier on bail granted by this Court vide order dated 30.01.2013 and thereafter, he absented from the trial proceedings and was later on declared as proclaimed person. According to him, the petitioner is in custody since his arrest on 27.03.2019 and in the meantime, the trial against his co-accused ended in acquittal vide judgment dated 16.03.2016. He submits that the trial is likely to consume some time and further custody of the petitioner may not be required.

On the other hand, learned State counsel assisted by ASI Narinder opposed the bail application, however, it is not disputed that the petitioner was earlier on bail and his co-accused have been acquitted. He contends that the petitioner was a proclaimed offender and therefore, does not deserve the concession of bail.

Considering the above background and the fact that the trial of the case is likely to consume considerable time, this Court does not find any valid reason to detain the petitioner any further in custody. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Amritsar.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

19.09.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No