

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.204

CRM-M-751-2020
Date of decision : 1.9.2020

Ranjeet Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Pritam Singh Saini, Advocate for
Mr. Deepak Saini, Advocate, for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

Ms. Riffi Birla, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.77 dated 19.10.2016, registered at Police Station Kotbhai, District Sri Mukatsar Sahib, under Sections 302, 307, 379, 436, 427, 324, 323, 148, 149 and 120-B IPC and Sections 25, 27, 54 and 59 of the Arms Act, 1959.

Learned counsel for the petitioner submits that the petitioner has been in custody since 2.11.2016. The trial has not progressed as is evident from the fact that only examination-in-chief of the complainant has been recorded, till date. Thus, the trial is not likely to be concluded in the near future. There are no other criminal cases pending/decided against the petitioner and he may be released on regular bail.

On merits, it has been argued that the petitioner has allegedly fired from .32 bore revolver at the chest of Harvinder Singh. However, there are pellet injuries on the chest of the said deceased person and thus, it is evident that patently false attribution has been made to the petitioner. No

other injuries has been attributed to him and thus, false implication cannot be ruled out. Even, .32 bore revolver allegedly fired by the petitioner was not recovered from him.

Custody certificate dated 31.8.2020 has been submitted by learned State counsel in Court today and the same is taken on record. According to this certificate, the petitioner has undergone actual custody of 03 years, 09 months and 29 days and there is no other criminal case pending/decided against him. There is a complaint case pending against the petitioner, but that is more in the nature of a civil case.

Learned State counsel, on instructions from ASI-Jagjeet Singh concedes that recovery of .32 bore revolver was not effected from the petitioner and that no other injury is attributed to him.

Learned counsel for the complainant argues that recovery could not have been effected from the petitioner as .32 revolver is in the name of co-accused, namely, Sahib Singh. Said Sahib Singh was nominated as an accused on the supplementary statement of the complainant and the case of the petitioner is thus, different from the said co-accused.

From the record, thus, it is evident that trial is not likely to be concluded at an early date. The petitioner has been in custody for almost 04 years and there is no other criminal case pending/decided against him. Learned counsel for the petitioner is justified in arguing that false implication cannot be ruled out as no recovery was effected from the petitioner and the injury allegedly inflicted by the petitioner, could not have been caused by him as revealed by the post-mortem report. No other injury

has been attributed to the petitioner and no argument has been raised that his case is similar to that of co accused-Sahib Singh.

For the aforementioned reasons, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(SUDHIR MITTAL)
JUDGE

1.9.2020

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No