

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

Sr. No. 101

CRM-M-16054-2020 (O&M)

DATE OF DECISION: July 02, 2020

KAMALPREET SINGH @ KAMAL

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. J.S. Thakur, Advocate, for the petitioner.

Mr. H.S. Multani, AAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

This is the second petition for grant of regular bail in FIR No.132, dated 09.11.2018, registered at Police Station Mahilpur Hoshiarpur, District Hoshiarpur, under Sections 307, 353, 186 IPC (Sections 145 & 149 IPC added later on) and Section 25 of Arms Act, 1958.

According to the contents of the FIR, the police raided the spot on receipt of secret information. At the spot, a car was parked and two persons including the petitioner were standing outside while the other co-accused were sitting inside. On seeing the police party, the persons sitting in the car drove away while the petitioner and one other accused ran away into the fields. The persons sitting in the car as well as those who ran away on foot fired at the police party. The petitioner managed to escape whereas the other accused namely Ajay @ Lucky was arrested and recovery of firearm and ammunition was made.

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Learned counsel for the petitioner submits that the petitioner has been in custody since 25.12.2018. The trial is not likely to concluded at an early date as no PW has been examined till date, although charges were framed as far back as on 04.09.2019. The next date before the trial Court is 04.07.2020. On merits, it is submitted that the case against the petitioner is very weak. He was not arrested at the spot and no recovery has been effected from him. He was arrested in another case and then remanded in the present case after being presented before the Magistrate on production warrant. The first bail petition was dismissed on 13.12.2019 and a period of almost 07 months has elapsed since then. The petitioner may thus be granted regular bail.

Custody certificate dated 01.07.2020 has been placed on record, according to which, the petitioner has undergone total custody of 01 year, 06 months and 04 days. There are two other cases pending against him.

Learned State counsel opposes the prayer for bail on the ground that there are two other cases pending against him. He, however, does not deny the present status of the trial as submitted by learned counsel for the petitioner.

In response, learned counsel for the petitioner submits that the petitioner has been granted regular bail in the other two pending cases and copies thereof have been annexed along with the petition.

It is thus obvious that the trial is not likely to be concluded in the near future. The petitioner has been in custody for over 01 year, 06

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months now and the case on merits against the petitioner appears to be weak. Thus, I deem it appropriate to grant regular bail to the petitioner.

It is directed that the petitioner be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is however made clear that nothing stated hereinabove shall be deemed to be an opinion on the merits of the case.

CRM-14059-2020

Application be listed on 04.08.2020 for payment of court fees.

July 02, 2020

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No