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

**CRM-M-23909-2020
Date of Decision: 26.08.2020**

Rajesh Kumar @ Banta

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ajay Pal Singh Rehan, Advocate,
for the petitioner.

Mr. J.P. Ratra, DAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition for regular bail filed under Section 439 Cr.P.C. on behalf of the petitioner in case FIR No.120 dated 07.09.2017, under Sections 302, 148 and 149 of the IPC and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Mahilpur, District Hoshiarpur.

[2]. The petitioner has remained in detention in the present case since 31.10.2017.

[3]. His earlier petition for regular bail was dismissed by this Court in CRM-M-52608-2019 on 06.02.2020, at which time, the Ld. Trial Court was directed to do the needful for commencing the petitioner's trial expeditiously. The petitioner was also granted liberty to move a fresh petition for bail at an appropriate stage, if so required.

[4]. It transpires that subsequent to the aforesaid direction, the Ld. Trial Court reframed the charges as some of the other co-accused persons surrendered before it. However, prosecution evidence, as so far, has not

commenced and this has been ascribed to the outbreak of the Covid-19 Pandemic in the meantime. The matter is now reported to be fixed for that purpose in the Trial Court on the 10th of September, 2020.

[5]. In the FIR, the allegation against the petitioner is that he had directly shot at the deceased from his Pistol along with another accused, namely, Lovepreet Singh, who similarly had fired at the deceased from a fire-arm.

[6]. Some of the other co-accused persons have been released on bail on different dates but none of them was alleged to have directly fired at the victim.

[7]. The case of the petitioner, therefore, stands on a different footing from those, who have been granted bail so far.

[8]. The petitioner is further reported to be involved in 3 other criminal cases.

[9]. In the totality of the circumstances, therefore, this Court is not inclined to release the petitioner on bail, at this stage.

[10]. Dismissed.

26.08.2020

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No