

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

CRM-M-27395-2020

Date of decision:17.12.2020

Anil Kumar @ Billi

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. L.M. Gulati, Advocate for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Custody certificate by way of an affidavit dated 16.12.2020 of Deputy Superintendent, Central Jail, Kapurthala, filed through email, is taken on record.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.133 dated 05.07.2020 registered under Sections 307, 506, 148, 149 IPC and Sections 25 and 27 of the Arms Act (Section 188 IPC and Sections 54 and 59 of the Arms Act added later on) at Police Station Mohkamura, District Amritsar.

Learned counsel for the petitioner states that it is a case of no injury and Section 307 has been added as one of the accused Vishwas had allegedly fired towards the complainant, though the bullet had missed the complainant. As per the prosecution version, a *Datar* was recovered from the petitioner, but it is not the case of the complainant that the petitioner had been armed with the *Datar* at the time of the occurrence. This clearly

shows the false implication of the petitioner. It is further contended that the petitioner has been in custody since 10.07.2020.

Learned State counsel states that there are three DDRs pertaining to Sections 107/151 Cr.P.C and two other FIRs under the NDPS Act registered and pending against the petitioner and the petitioner is on bail in those cases. He further points out that a *Datar* has been recovered from the petitioner, but he has not disputed the fact that the petitioner has been in custody since 10.07.2020 and that it is the case of no injury. It is further stated that the challan has been presented.

I have heard the learned counsel for the parties.

As noticed above, it is the case of no injury and the petitioner has been in custody since 10.07.2020. Still further, the petitioner is not attributed the gun shot fire. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

17.12.2020
ishwar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No