

CRM-M-39120 of 2020
Date of Decision: 01.12.2020

Jaskaran Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURIPresent: Mr. Kanwar Pahul Singh, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Through Video Conferencing**JASGURPREET SINGH PURI, J.(ORAL)**

The present petition has been filed under Section 439 of Cr.P.C. for grant of concession of regular bail to the petitioner in FIR No. 91, dated 18.07.2020 under Sections 307, 341, 506, 323, 324, 148, 149 of IPC, 1860 and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Rajasansi, Amritsar.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and submitted that the petitioner is in custody since 4 months and 9 days approximately and investigation in the present case is already complete and challan has already been presented. Learned counsel while referring to the FIR has submitted that the alleged role attributed to the petitioner was of Datar blow on the left wrist, which is non-vital part of the body. He has further drawn the attention of the Court to Annexure P-5, wherein, the other co-accused namely,

Harcharan Singh, who was accused of having double barrel rifle/gun at the time of alleged occurrence has been granted bail by the learned Additional Sessions Judge, Amritsar and wherein, it has been observed that the petitioner of that case was having a rifle/gun double barrel gun at the time of the alleged occurrence but as per the report received from the Police Station, Rajasansi, the said rifle of Harcharan Singh was deposited in Police Station, Rajajhansi on 15.09.2018. Learned counsel submitted that one of the main allegation stands rebutted on the basis of the report received from the Police Station, Rajasansi, as per the aforesaid order Annexure P-5. He has further referred to the Annexures P-3, P-4 and P-6, wherein, interim anticipatory bail has already been granted to the other co-accused namely, Gurcharan Singh, Kulwinder Singh and Malak Singh, respectively.

Learned counsel further submitted that the alleged recovery from the petitioner was of Datar, which is again a subject matter of the trial Court and the petitioner has been falsely implicated in the present case. He has further submitted that since the investigation of the case is already complete and challan has been presented and the petitioner is not involved in any other case, therefore, has prayed for grant of regular bail to the petitioner.

On the other hand, learned counsel for the State on instructions from ASI Gurjinder Singh submitted that it is correct that investigation in the present case is complete and challan has been presented and the other co-accused has already been granted anticipatory bail by the learned trial Court.

I have heard the learned counsel for the parties and have perused the record.

It is not the case of the State that any recovery is yet to be made and in case, the petitioner is admitted to bail, there is any likelihood of petitioner tampering with the evidence and influence the witnesses. The investigation of the case is complete and the other co-accused has already been granted bail by the learned Additional Sessions Judge, Amritsar, vide different orders and, therefore, there is no ground of denial of bail to the present petitioner, who is in custody for the last about 4 months and 9 days approximately, coupled with the fact that the petitioner is not involved in any other case till date.

In view of the above, without commenting anything on the merits of the case and keeping in view the totality of the present case, the petitioner is admitted to regular bail on his furnishing adequate bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(JASGURPREET SINGH PURI)
JUDGE

December 01, 2020
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No