

CRM-M-42703-2020

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

CRM-M-42703-2020

Date of decision: 23.12.2020

Naresh Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Rimple Saini, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Custody certificate by way of affidavit of the Deputy Superintendent, Central Jail, Amritsar, has been filed through e-mail. Print out of the same is taken on record.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.133 dated 05.07.2020, under Sections 307, 506, 148, 149 IPC and Sections 25 and 27 of the Arms Act, 1959 (Section 188 IPC and Sections 54 and 59 of the Arms Act, added later on), registered at Police Station Mohkampura, District Amritsar.

Learned counsel for the petitioner contends that it is a case of no injury and Section 307 IPC has been added to the above-noted FIR as one of the accused, namely, Vishwas had allegedly fired a gun-shot towards the complainant, though the bullet had missed the complainant. The only

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allegation against the petitioner is that he had pelted brick-bats. The petitioner has been in custody since 08.08.2020.

On the other hand, learned State counsel opposes the prayer made in the present petition. However, he does not dispute the fact that there is no MLR of the complainant and rather, he had refused to get himself medico-legally examined.

I have heard the learned counsel for the petitioner.

As noticed above, it is the case of no injury and the petitioner has been in custody since 08.08.2020. 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.

23.12.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No