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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM Nos.22345 and 22350-2021 in/and  
CRM-M-10773-2021  
Date of Decision: 04.08.2021

ATUL KUMAR @ ATUL PHOTOGRAPHER

.. Applicant/Petitioner

Vs.

STATE OF PUNJAB

..Respondent

**CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Rajesh Bansal, Advocate for applicant-petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

**Manoj Bajaj, J. (Oral)**

**CRM-22350-2021**

The instant application is for pre-poning the date of hearing of the main petition to an early date.

Notice in the application.

At this stage, Mr. Ramandeep Sandhu, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to today itself.

**CRM-22345-2021**

Application is allowed, subject to all just exceptions.

Annexure P-7 is taken on record.

**CRM-M-10773-2021**

Petitioner has filed this second petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.123 dated 04.08.2018 registered under Sections 307, 323, 324, 148 and 149 Indian Penal Code, 1860 and and Sections 25 and 27 Arms Act, 1959 (Section 302 IPC added later on) at Police Station Islamabad, District Police Commissionerate Amritsar. The petitioner is in custody since 27.03.2019.

The FIR in the present case was registered on the statement of complainant Dharminder Singh @ Hello, wherein it was alleged that on 04.08.2018 at about 2:30 p.m., when he along with his friend Ranjit Kumar @ Golu and his friend Gaurav Sharma were roaming in the fair of Gugga Peer held near their village then suddenly, Sagar armed with datar, Vicky Dagga armed with datar, Arjan armed with kirpan, Kaka @ Pepsi armed with kirpan, Mani armed with baseball, Atul photographer (petitioner) armed with baseball bat, Tony armed with datar along with 6-7 unknown persons, who were having double barrel gun and one person was having pistol came in front of them and encircled them. Upon exhortation by Vicky Dagga, all the assailants attacked them with weapons and thereafter, they scuffled with each other. At this, Vicky Dagga exhorted to shoot them and one sikh person fired a shot in the air with his 12 bore double barrel and then he fired a straight gun shot towards them with an intention to kill them and it hit Gaurav Sharma, Ranjit Kumar @ Golu and the complainant and respective pellet injuries were suffered by them on chest, near right eye and head. Then, Sagar gave datar blow on his head. His body was smeared in blood and he fell down and then all the accused gave beatings to them and fled away from the spot after causing injuries to them. On these broad

allegations, the present FIR was registered.

Learned counsel for the petitioner has argued that the victim died of gunshot injury allegedly fired by co-accused-Harpreet Singh @ Happy and though the petitioner is named in the FIR, but no specific role has been attributed to him. Learned counsel for the petitioner has argued that the co-accused of the petitioner, namely, Manpreet Singh @ Manni, who is similarly situated, has been extended the concession of regular bail by this Court vide order dated 07.07.2021. According to him, the investigation of the case is complete and even the charges have been framed on 24.02.2021, but no prosecution witness has been examined so far, therefore, the petitioner be also released on regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Jagbir Singh, has opposed the prayer, however, it is not disputed that the case of the petitioner is at par with co-accused-Manpreet Singh @ Manni. He also does not dispute the fact that the charges have been framed on 24.02.2021, but no prosecution witness has been examined so far.

After hearing the learned counsel for the parties, this Court finds that though the charges have been framed on 24.02.2021, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would take considerable time. Apart from it, the co-accused of the petitioner has been released on regular bail, thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 27.03.2019.

Resultantly, without meaning any expression of opinion on the

in the above case, subject to his furnishing requisite bail bonds/surety bonds  
to the satisfaction of the trial Court/Duty Magistrate concerned.

The petition is allowed.

04.08.2021  
*Jasmine Kaur*

(MANOJ BAJAJ)  
JUDGE

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|---------------------------|-----|----|
| Whether speaking/reasoned | Yes | No |
| Whether reportable        | Yes | No |