

In the High Court of Punjab and Haryana at Chandigarh

231

CRM-M-16191-2021(O & M)

Date of Decision: October 06, 2021

JATINDER SINGH ALIAS JD

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Sukhpreet Kaur Grewal, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No.88 dated 06.07.2020, under Sections 302, 307, 506, 120-B, 148, 149 IPC and Sections 25 and 27 of the Arms Act, registered at Police Station Raja Sansi, District Amritsar.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR wherein 04 co-accused are specifically named. The gun shot injury on the chest of the deceased which was the cause of death, is attributed to co-accused Manjinder Singh. The petitioner has been arraigned as an accused on the statement of co-accused Manjinder Singh that the gun of the petitioner which was lying in his office had been taken away by him without the knowledge of the petitioner when the petitioner was not present in his office. No motive has been attributed to the petitioner. Co-accused Gurpreet Singh @ Gora, who was also arraigned as an accused on the statement of co-accused Manjinder Singh that the cartridges were supplied by him, has been granted regular bail by this Court in CRM-M-8377-2021 on 01.03.2021. The petitioner is in custody for over 08 months.

Learned State counsel has filed custody certificate which indicates that the petitioner is in custody for 08 months and 09 days. He upon instructions from ASI Gurjinder Singh states that the challan has been filed but no prosecution witness has been examined. He further contends that the gun was recovered from the petitioner.

In the reply filed by DSP, Sub Division, Ajnala Amritsar (Rural), it is mentioned that the petitioner was arraigned as an accused on the statement of co-accused that he had taken the gun of the petitioner without his knowledge which was lying in one room of the office when the petitioner was not present. It is also stated that after having used the gun, they had given it to Gurwinder Singh @ Ginder @ Fauji, who kept it back in the office.

Heard.

In view of the above, especially when the allegations against the petitioner are that his weapon was used in the offence, petitioner is in custody for over 08 months, co-accused has been granted bail, Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

October 06, 2021
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No