

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 218

CRM-M-15999-2020

Date of decision : 18.01.2021

Ravinderpal Singh @ Varinder Singh @ Ravi

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Sarbjit Singh, Advocate, for the petitioner.

 Mr.Amit Mehta, Sr.DAG, Punjab.

 Mr.P.B.S.Goraya, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.78 dated 27.12.2015, registered under Sections 302/307/506/34 IPC and Sections 25/54/59 of the Arms Act, 1959 at Police Station Khilchain, district Amritsar.

The petitioner is being prosecuted for having caused the murder of Amritpal Singh by firing upon him with his pistol.

Seeking regular bail for the petitioner learned counsel submits that the petitioner, who is a young man aged 24 years, has been falsely implicated in the present case; he is not involved in any other criminal case; the evidence which has come on record of the Trial Court in the form of report of the ballistic expert Ex.PX/3 belies the entire case of the prosecution as the bullets recovered by the police from the body of the deceased do not match with the pistol allegedly shown to have been recovered from the petitioner; the complainant's side was the aggressor; a cross case for attempt to murder lodged against the complainant party is also pending trial; the petitioner is in custody for the last nearly five years; the delay in the trial is not attributed to him; all the main witnesses of the prosecution have already been examined in the petitioner's trial and therefore he is not in a position to influence the same and that the petitioner's trial is likely to take a long time to conclude as the

aforesaid cross case lodged against the complainant party, which is yet to begin, has recently been ordered by the Trial Court to be heard alongwith the petitioner's trial.

Learned State counsel as also learned counsel for the complainant oppose the grant of bail to the petitioner primarily on the ground that the petitioner has caused the murder of Amritpal Singh by firing upon him with his pistol.

Whether the petitioner has been falsely implicated in the case and the import of the evidence of the ballistic expert would be debated during the course of the trial. However, the petitioner, who is a young man aged 24 years, has already been in custody for the last nearly five years with the delay in his trial not attributed to him; there is no other criminal case in which he is involved; all the main witnesses of the prosecution have already been examined and therefore the petitioner is not in a position to influence the trial; the petitioner's trial is not likely to conclude in the near future as the cross case lodged against the complainant party for attempt to murder which is at the initial stage, has been ordered by the Trial Court to be heard alongwith the petitioner's trial.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Amritsar the petitioner is directed to be released on bail. While granting bail the CJM/Duty Magistrate, Amritsar shall insist on heavy local sureties.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

18.01.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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