

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

**CRM-M-21867-2020
Date of decision: 09.12.2021**

Bikramjit Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. O. P. Kamboj, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 66 dated 28.06.2019, registered under Sections 307, 506, 34 of the IPC and Sections 25, 27 of the Arms Act, 1959 at Police Station Jhander, District Amritsar Rural.

The first petition, bearing CRM-M-46525-2019, was dismissed as withdrawn on 21.01.2020.

Learned counsel for the petitioner further submits that the new ground for filing the present petition is that now the petitioner is in judicial custody for the last more than 02 years and 02 months and the trial is not proceeding.

Learned counsel further submits that though the charges were framed on 29.11.2019, however, out of total 18 prosecution witnesses, none has been examined so far.

Learned counsel further submits that as per allegations in the

FIR, the petitioner is attributed fire arm injuries on the wrist of the right arm and left biceps of the complainant. It is further submitted that though the petitioner is involved in one more case, where he has been released on probation, however, in order to show his bona fide, he is ready compensate the victim/complainant by paying him a sum of Rs. 50,000/- towards his medical expenses.

Learned State counsel has filed the custody certificate and has not disputed the factual position. It is also not disputed that out of total 18 prosecution witnesses, none has been examined so far, though the charges were framed more than two years ago.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last more than 02 years and 02 months; no prosecution witness has been examined so far and also in view of the fact that the petitioner has volunteered to pay a compensation of Rs. 50,000/- to the victim/complainant towards medical expenses, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

However, this will be subject to a condition that the petitioner, at the time of furnishing bail/surety bonds, will hand over a demand draft of Rs. 50,000/-, favouring victim/complainant Kashmir Singh, which will be without any prejudice to his right of defence.

09.12.2021

Waseem Ansari

*Whether speaking/reasoned
Whether reportable*

(ARVIND SINGH SANGWAN)

JUDGE

*Yes/No
Yes/No*