

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

CRM-M-2763-2022
Date of Decision:-22.3.2022

USMAN ANSARI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Bhupinder Singh, Advocate
for the petitioner.

Mr. Anmol Sandhu, AAG, Punjab.

Mr. Harmanpreet Singh, Advocate
for the complainant.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.66 dated 1.3.2021 registered under Sections 307, 323, 120-B IPC and Sections 25/27 of Arms Act at Police Station Focal Point, District Ludhiana.

The counsel for the petitioner submitted that petitioner was neither named in the FIR nor any incriminating article was recovered from his possession. It is further contended that petitioner is in custody since September, 2021 and on completion of investigation '*challan*' has been presented in Court. Counsel for petitioner made prayer for grant of regular bail to the petitioner.

The State counsel while contesting the present petition has submitted that as per allegations appearing in the FIR, two unidentified

persons fired shots at complainant-Gurvinder Singh @ Dhanna at the instance of his brother Bhupinder Singh, who is co-accused in this case.

I have considered the submissions made by counsel for the petitioner as well as by State counsel.

Admittedly, the petitioner was not named in the FIR which was registered against Bhupinder Singh and two other unidentified persons who fired at the complainant. Counsel for the State has not refuted the fact that no firearm or incriminating articles were recovered from the possession of the petitioner during the investigation. Counsel for the State has admitted that investigation has already been completed and that as per custody certificate petitioner is in custody for the last more than 6 months. It will take considerable long time for conclusion of trial. As per the custody certificate the petitioner is not facing any other criminal case.

Keeping in view facts and circumstances mentioned above, no fruitful purpose is going to be served even if the petitioner is kept in judicial custody for indefinite period. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the CJM/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

22.3 .2022
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No