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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5257-2022 (O&M)
Date of Decision:14.02.2022

Kishan Singh @ Kaka Pepsi

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Saurab Arora, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.123 dated 04.08.2018 registered under Sections 307, 323, 324, 148 and 149 IPC, 1860 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 his arrest on 26.03.2019.

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 (petitioner) armed with kirpan, Mani armed with baseball, Atul photographer armed with baseball bat, Tony armed with datar along with 6-7

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 though the petitioner is named in the FIR and stated to be armed with a kirpan, but as per prosecution, victim succumbed to the gunshot injury caused by co-accused Harpeet Singh @ Happy. He has further drawn the attention of the Court to the order dated 07.07.2021 (Annexure P-6), whereby his co-accused, namely, Manpreet Singh @ Manni has been released on regular bail. He submits that the case of the petitioner is at par with his co-accused Manpreet Singh @ Manni, therefore, he be also released on regular bail.

Learned State counsel assisted by SI Bhupinder Singh has though opposed the prayer on the ground that the petitioner is specifically named in the FIR, but does not dispute this fact that the role attributed to the petitioner is at par with co-accused Manpreet Singh @ Manni, who is on bail. He, on instructions further states that though the charges were framed on 24.02.2020, but only one injured witness (complainant) has been examined so far out of total forty nine witnesses.

After hearing the learned counsel for the parties, this Court finds that though the charges were framed on 24.02.2020, but after commencement of the trial, only one witness has been examined and four more witnesses have been added through supplementary report under Section 173(8) Cr.P.C., therefore, it is evident that the conclusion of trial would take considerable time. Apart from it, the similarly situated 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 26.03.2019.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail 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.

14.02.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No