

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-5409-2022

Date of Decision: 14.7.2022

Kuldeep Singh @ Kalu

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

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

Ms. Samina Dhir, DAG, Punjab.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.66 dated 1.3.2021 registered for the offences punishable under Sections 307, 323, 120-B IPC and Sections 25 and 27 of Arms Act at Police Station Focal Point, District Police Commissoinerate, Ludhiana.

Counsel for the petitioner contends that the petitioner was neither named in the FIR nor any incriminating article was recovered from his possession. Counsel further contends that the petitioner is in custody for the last more than 6 months and on completion of investigation, challan has been presented in the Court and now the case is fixed for framing of charges. He further submits that similarly situated co-accused Usman Ansari has already been granted regular bail by this Court vide order dated 22.3.2022 (Annexure P-4). He made prayer for grant of regular bail to the petitioner.

State counsel while contesting the present petition submits that as per allegations appearing in the FIR, two unidentified persons fired shots at the complainant at the instance of his brother Bhupinder Singh. She further submits that involvement of the present petition was disclosed by one of the co-accused. However, she has not disputed the fact that after completion of investigation, the police has filed the challan against the petitioner.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner was not named in the FIR which was registered against two unidentified persons who fired shots at the complainant. State counsel has not refuted the fact that no firearm or incriminating article was recovered from the possession of the petitioner during the investigation. The actual custody period and the fact that co-accused Usman Ansari has been granted regular bail by this Court are also not disputed by the State counsel.

It will take time for conclusion of trial. Thus, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

July 14, 2022

PARITOSH KUMAR
2022.07.15 09:51
I attest to the accuracy and
authenticity of this order/judgment

Paritosh Kumar

Whether speaking/reasoned

Yes/No

Whether reportable	Yes/No
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