

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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CRM-M-15949-2022

Date of decision: 03.08.2022

RAJANDEEP SINGH @ RAJA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. M.S.Sidhu, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab
for the respondent-State.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., wherein, the petitioner craves for indulgence of regular bail becoming granted to him, in respect of FIR No. 208 dated 24.07.2020 registered at Police Station Shahkot, District Jalandhar, wherein, offences constituted under Sections 307, 379-B(2), 341, 34 of the IPC, and Section 25/54/59 of the Arms Act, are embodied.

2. In the petition FIR, neither the present petitioner, nor, the other two co-accused with him were named with specificity, as the informant complainant aggrieved was unaware with respect to their respective identities. Nonetheless, in the petition FIR, it is echoed that all the three un-identified accused were atop their motorcycle, and, the accused concerned, while sitting on the rear seat of the motorcycle, through pointing a pistol at the informant, hence ensured his stopping

his vehicle, and, thereafter, theirs threatening him to hand over whatever was in the possession of the victim.

3. Consequently, the victim stopped his vehicle at the crime site, and, apprised the un-identified persons that he had nothing in his possession, resulting in one amongst the accused, firing a pistol shot near his feet, which caused the victim to start running, but yet the accused concerned, fired pistol shots which struck on the left side of his thigh.

4. Resultantly, the victim fell down, and, the accused concerned, ensured qua, his handing over to them, his wallet, and, also theirs removing therefrom, a sum of Rs. 1500. Moreover, it is also alleged in the petition FIR that they also took away the keys of the victims' motorcycle, and, that thereafter they fled.

5. The above narrations carried in the petition FIR, could not result in the causings of arrest of the accused, as, therein, neither the names of the accused became carried, nor, their key characteristic features became enumerated, rather for enabling the holding of a valid test identification parade, at the instance of the investigating officer, for therein, the victim making identification(s) of the accused.

6. However, the accused became arrested in another FIR bearing No.245 dated 20.08.2020 registered at Police Station Shahkot, District Jalandhar, and, during the course of the accused being put to police remand, the accused concerned, confessed their incriminatory participation in the petition FIR, and also ensured the recovery at their respective instance(s), of the crime pistol, to the investigating officer concerned, besides ensured recovery of the crime motorcycle.

7. Be that as it may, since the pistol shots struck the non vital portion of the body of the victim, besides when all the relevant recoveries, become effected to the investigating officer concerned, at the instance of the accused concerned, thereupon, since the present bail petitioner stepped into judicial custody on 10.09.2020, thereupon his judicial incarceration is not required to be any further prolonged, as thereupon, his personal liberty would become unnecessarily fettered, and, curtailed.

8. However, the learned State Counsel has vehemently opposed the application, on the ground, that the bail applicant-petitioner is a habitual offender, thereupon there is every likelihood of the bail applicant-petitioner abusing the facility of bail, as may become accorded to him, besides there is also a possibility of his influencing the prosecution witnesses, and, tampering with prosecution evidence, and, also his re-indulging in criminal activities. However, the vigour of the afore made submission, of the learned State Counsel, before this Court, can be mitigated, by imposition of stringent conditions, upon the bail applicant-petitioner.

9. Consequently, the instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal and surety bonds in the sum of Rs.1,00,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to

make his personal appearance unless validly exempted.

10. Further, subject to petitioner-bail applicant making an undertaking before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, that in case, he re-indulges in criminal activities, whereupon, on breach thereof, the order made today, shall become *ipso facto* annulled, and, that, upon, his being forthwith arrested by the investigating officer concerned, the latter shall produce the petitioner-bail applicant before the trial Court concerned, for the latter making an order for his being put to judicial custody.

11. Moreover, it is clarified that in case, it is hereafter brought to the notice of this Court, by the learned State Counsel, that any of the above conditions become breached, and, or the petitioner is intimidating or threatening the prosecution witness, and, or is tampering with the prosecution evidence, thereupon, this Court may become constrained to rescind the order, as made today, by this Court.

12. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from FIR (supra).

03.08.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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