

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

CRM-M No.21786 of 2021 (O&M)

Date of decision: 3rd February, 2022

Kamalpreet Singh @ Kanwarpreet Singh

... Petitioner

Versus

UT Chandigarh

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Shiv Kumar Sharma, Advocate for the petitioner.
Mr. Rajiv Vij, APP UT Chandigarh
for the respondent.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Kamalpreet Singh @ Kanwarpreet Singh, who is an accused in case bearing FIR No.5 dated 11.01.2020 under Sections 147, 148, 149, 307 IPC and Section 25/27 of the Arms Act 1959 pertaining to Police Station Sector 34, Chandigarh, has come up in this second regular bail application under Section 439 Cr.P.C. the earlier one having been dismissed by this Court vide order dated 10.08.2020.

Upon hearing Dr. Anmol Rattan Sidhu, Senior Advocate assisted by Mr. Shiv Kumar Sharma, Advocate for the petitioner, Mr. Rajiv Vij, APP UT Chandigarh representing the respondent and on perusal of the records.

The brief allegations are that on account of a gang-rivalry, a mob of around 12 persons including co-accused had assaulted the opponent group on 11.01.2020 in which few persons got injured and were rushed to Government Medical College and Hospital, Sector 32, Chandigarh. It is subsequent thereto, the very next day when the complainant was coming out of the hospital, the accused including the petitioner fired at the complainant party and one of the fires had hit a passerby on his leg. In the melee, the accused persons left behind a jeep which was got recovered by the police. Upon arrest of the petitioner, he made a disclosure statement that he had handed over illicit firearm to his friend.

The contentions of learned counsel for the petitioner Dr.Anmol Rattan Sidhu, Senior Advocate assisted by Mr. Shiv Kumar Sharma, Advocate that the petitioner is behind bars for almost one year, seven months and two days which is not displaced by the learned State counsel who fairly concedes that even the prosecution witnesses have turned hostile.

Be that as it may, without commenting on the merits of the case as has been canvassed before this Court, in view of the period of incarceration and that there is every likelihood that trial might be prolonged, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail subject to his furnishing bail bonds to the sum of ₹ 1.00 lakh and two sureties in the

like amount to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate, Chandigarh. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

February 3, 2022
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No