

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-23785-2021 (O&M)
Date of Decision:-14.3.2022

Bhupinder Singh @ Bhinda

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. M.S. Dullat, Addl.A.G., Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.113 dated 22.7.2017, Police Station Kamboj, Amritsar under Sections 302, 341, 472, 34 of Indian Penal Code and Section 25 of Arms Act.
2. The FIR in question was lodged at the instance of Resham Singh, wherein it is alleged that he is working as a conductor with 'Baba Budha Bus Services, Amritsar'. On the day of occurrence, while the bus in which he was on duty, was proceeding towards Fatehgarh Churhyan, there was traffic rush on the road on account of which the driver of bus could not facilitate a car from overtaking the bus. However, later when the car overtook the bus, the driver

of the car parked the car in front of their bus and three persons alighted and started abusing the driver of bus. One of them took out a pistol and fired at the driver and the shot hit him in his abdomen. Another person also took out a pistol but the pistol did not fire any shot. Although the driver of the bus was taken to hospital but he succumbed to his injuries.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that when the complainant Resham Singh (PW-1) as well as eye-witness Sukhbir Singh (PW-2) were examined during the course of trial, none of them have supported the case of prosecution and did not identify the petitioner. It has further been submitted that the petitioner, in any case, has been behind bars for a substantial period of more than 3 years and 10 months.
4. Opposing the petition, learned State counsel has submitted that it is a case where the petitioner apparently has won over the witnesses. It has also been informed that since the petitioner stands involved in three other cases, it is evident that the petitioner is a seasoned criminal. It has also been informed that as on date only 2 out of the cited 33 PWs have been examined.
5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards merits of the case but while keeping in view the long custody period i.e. 3 years, 10 months and 23 days and while also noticing that the material eye-witnesses including the complainant have not supported the case of prosecution, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume time. The petition, as such, is accepted and the petitioner is

ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.3.2022
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No