

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

CRM-40521-2022 and
CRM-40523-2022 in/and
CRM-M-24399-2022 (O&M)
Date of Decision:-6.12.2022

Kamaldeep Singh @ Prince @ Jahaj

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Maninder Singh Bajwa, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

CRM-40521-2022

In view of the reasons mentioned in the application, the same is allowed and the hearing of the main petition is preponed from 09.02.2023 and is taken on board today.

CRM-40523-2022

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures P-5 to P-9 subject to all just exceptions.

CRM-M-24399-2022 (Main Case)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.0204, dated 09.10.2020, Police Station Mohkampura, District Police Commissionerate Amritsar, under Sections 307, 506 and 34 of Indian Penal Code and Sections 25, 54 and 59 of Arms Act, 1959.
2. The FIR was lodged at the instance of Mehakdeep Singh wherein it is alleged that on 9.10.2020, at about 3/3.15 pm when he was standing on the roof of his house, then Monu and Kamaldeep came there riding a motorcycle. While Monu was driving the motorcycle, Kamaldeep Singh @ Prince Jahaj was sitting on the pillion seat. It is alleged that immediately while coming near Kamaldeep Singh @ Prince Jahaj fired at him with a pistol, but somehow the bullet did not hit the complainant. Upon hearing the noise of firing of a shot, several persons gathered there and the aforesaid two persons fled away from the spot while extending threats to eliminate the complainant.
3. The matter was investigated by the police. During the course of investigation the police collected evidence to the effect that Randhir Singh had conducted recce at the place of occurrence and upon noticing the complainant he immediately gave a signal to the other accused i.e. Mandeep Kumar and Kamaldeep so as to facilitate firing at the complainant.
4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the falsity would be evident from the fact that when the complainant Mehakdeep Singh as well as the eye-witnesses Rajinder Kaur and Jagdeep Singh were examined during the proceedings of trial, they did not support the case of the prosecution at all

and were declared hostile. Learned counsel, in this regard, has drawn the attention of this Court to the statements of the aforesaid PWs annexed as Annexures P-6 and P-7.

5. Learned State counsel has, however, opposed the petition on the ground that it is apparently a case where the petitioner has been able to win over the witnesses and that having regard to the antecedents of the petitioner, who stands involved in 9 cases, he does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 4 years and 9 months.
6. This Court has considered the rival submissions.
7. Having regard to the fact that the star witnesses of the prosecution including the complainant himself as well as two other eye-witnesses have not supported the case of the prosecution at all when they stepped into the witness-box and also the long custody of the petitioner i.e. more than 4 years and 9 months, the petition is allowed 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.

6.12.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No