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

CRM-M No.27777 of 2021 (O&M)

Date of decision: 07.04.2022

Ajay Singh @ Ajju

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Paras Jagga, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.54 dated 13.07.2020, for offence punishable under Sections 307, 353, 186, 506, 34 of the Indian Penal Code, 1860 (in short 'IPC') and 25/27 of the Arms Act registered at Police Station Phase-11, District S.A.S. Nagar, Mohali.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of ASI Surinder Singh, it is stated that while on petrol duty at IISER light point, one Baleno car bearing No.PB-32X-7427 came from the airport side, in which 02 persons were sitting and when they were signalled to stop, the driver of the car sped away the car in a negligent manner and tried to kill the complainant. It is further submitted that later on when the other police officer tried to stop them, the aforesaid 02 persons pointed a pistol

towards him and succeeded in running away. Counsel for the petitioner has also submitted that the petitioner was later on nominated in the case after about 10 months and he is in custody since 19.05.2021. It is also argued that challan stands presented and it is a case where there is no injury, however, only on account of the intention to kill, Section 307 IPC has been invoked in the case and it will be a matter of trial whether the same is made out or not.

Counsel for the State on the basis of the affidavit of the Investigating Officer has not disputed the factual position but opposed the prayer for bail on the ground that the petitioner is involved in number of cases, out of which he stands acquitted in 3/4 cases and he is undertrial in some other FIR including the FIR registered under the NDPS Act. Lastly, it is submitted that the pistol was recovered from the petitioner.

Without commenting anything on merits of the case, considering the fact that though the petitioner is involved in some other cases and looking into the peculiar facts and circumstances of the case where no injury was caused to any person and the petitioner was nominated after about 10 months in the FIR; challan stands presented on 20.07.2021, however till date even, charges have not been framed and also in view of the fact that the petitioner is in custody since 19.05.2021; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

07.04.2022
yakub

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